**Video and microphone is currently disabled for all attendees.**
This meeting is being recorded.
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
- Staff then recognizes registered attendees for public comments in opposition. Each speaker will be sworn in
- 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

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
- Robben Richards
- Geiza Vargas-Vargas
- Scott Valentine, TRC Coordinator

- Pennyye Ashby, Senior Planner
- Vanessa Ellington, Clerk

The Board of Zoning Appeals—Zoning has the authority to do three things:

1. Hear appeals to decisions of the Zoning Administrator;

2. Grant special exceptions, a fact finding function of the Board; and

3. Grant variances to the Zoning Ordinance if the application meets the hardship test outlined in Section 54-924 of the ordinance.
Board of Zoning Appeals-Zoning

Requirements for Granting a Variance

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes the following findings:

a. there are extraordinary and exceptional conditions pertaining to the particular piece of property;

b. these conditions do not generally apply to other property in the vicinity;

c. because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

d. the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
Agenda Item #A-1

Approval of January 19, 2021 BZA-Z Minutes
AGENDA  
**Board of Zoning Appeals - Zoning**

**January 19, 2021**  
5:15 P.M.  
*virtually via Zoom Webinar*

6:19 P.M.

A. Deferred applications from previously advertised BZA-Z agendas. For information call 724-3765.

1. No Deferred Applications.

B. New applications.

1. **32 Council St. (Charleston) (459-11-02-017)**  
   APP. NO. 2161-19-81

   Request special exception under Sec. 54-110 to allow an existing outbuilding to be relocated having an existing 0-ft. rear setback to allow a 1-story porch/terrace addition that extends a non-conforming 0-ft. rear setback (20-ft. required).

   **Zoned SR-2**

   **Owner:** Emil and Natalie Emanuel  
   **Applicant:** JMM Architects

   **APPROVED** 0  
   **WITHDRAWN** 0

   **DISAPPROVED** 0  
   **DEFERRED** XX

   **MOTION:** Deferred by applicant.

   **MADE BY:**  
   **SECOND:**  
   **VOTE:** FOR _____ AGAINST _____

2. **29 Legare St. (Charleston) (457-11-04-105)**  
   APP. NO. 2161-19-82

   Request variance from Sec. 94-301 to allow a porte cochere with a 1:2-ft. north side setback (0-ft. required).

   **Zoned SR-3**

   **Owner:** Hillary Lamendola  
   **Applicant:** Glenn Kayes Architects

   **APPROVED** XX  
   **WITHDRAWN** 0

   **DISAPPROVED** 0  
   **DEFERRED** 0

   **MOTION:** Approval.

   **MADE BY:**  
   **SECOND:**  
   **VOTE:** FOR _____ AGAINST _____

3. **90 Saint Margaret St. (Wagner Terrace)**  
   APP. NO. 2161-19-83

   (444-10-04-040)

   Request variance from Sec. 94-301 to allow a 1-story addition (chimney/mutroom) with a 22.5-ft. rear setback (0-ft. required).

   **Zoned SR-2**

   **Owner:** Whitney and Neil Butler  
   **Applicant:** Laura P. Altman, LFA Architecture

   **APPROVED** XX  
   **WITHDRAWN** 0

   **DISAPPROVED** 0  
   **DEFERRED** 0

   **MOTION:** Approval.

   **MADE BY:**  
   **SECOND:**  
   **VOTE:** FOR _____ AGAINST _____

---

**Board of Zoning Appeals. Zoning Meeting on January 19, 2021**  
**Adopted:** Yes
4. 2232 SUNNYSIDE AVE. (WAGENER TERRACE)  
(APP. NO. 2101-19-84)  
(444-13-05-036)

Request special exception under Sec. 34-11 to allow a one story addition (bedroom/bath/porch) t
that extends a non-conforming 4.25', west side setback (2.5' required).
Request variance from Sec. 34-301 to allow (bedroom/bath/porch/laundry) having a 35% lot occu
pancy. 35% limitation, existing lot occupancy 35%.
Zoned SFR-1
Owner: Courtney Makin
Applicant: Crosby Creations

APPROVED 0  WITHDRAWN 0
DISAPPROVED 0  DEFERRED 0

MOTION: Approval.

MADE BY: A. Grass  SECOND: J. Bennett VOTE: FOR: 6  AGAINST: 0

5. 81 CAMPBELL ST. (BYRNES DOWNS) (421-02-09-006)  
(APP. NO. 2101-19-85)

Request variance from Sec. 34-301 to allow a garage addition with a 21-ft. 10-inch front setback
(25-ft. required).
Zoned SFR-2
Owner: John Mitchell and William Gaudin
Applicant: John Mitchell

APPROVED 0  WITHDRAWN 0
DISAPPROVED 0  DEFERRED 0

MOTION: Approval.

MADE BY: M. Merrigan  SECOND: A. Grass VOTE: FOR: 0  AGAINST: 0

6. 1 MICHEL PL. (KARLSTON VILLAGE) (487-13-01-034)  
(APP. NO. 2101-19-86)

Request special exception from Sec. 34-11 to allow a stair addition that extends a non-
conforming 3.5', rear setback (25-ft. required).
Zoned D6-1P
Owner: Robert Vanderwege
Applicant: Jane Maytenk (VA Architect)

APPROVED 0  WITHDRAWN 0
DISAPPROVED 0  DEFERRED 0

MOTION: Approval.

MADE BY: R. Richards  SECOND: A. Grass VOTE: FOR: 0  AGAINST: 0
7. 560 KING ST. (CANNONBOROUGH/ELLIOTBOROUGH)  
   APP. NO. 2101-15-67  
   (460-12-62072)
   Request special exception under Sec. 5d-5:1 to allow an existing restaurant/bar to have 750sf of 
   outdoor patron use area without providing 6 required parking spaces.  
   Zoned DS  
       Owner: Mary Agnes Taylor  
       Applicant: Kevin Hoelzleiter
   APPROVED 0  
   WITHDRAWN 0  
   DISAPPROVED 0  
   DEFERRED 0
   MOTION: Approval with condition: No sound amplification louder than normal conversational 
   tones.
   MADE BY: H.Morton  
   SECOND: J.Bennett  
   VOTE: FOR § AGAINST §

8. 5 CEDAR ST. (EAST CENTRAL)  
   (460-01-01-061)  
   APP. NO. 2101-16-88
   Request varience from Sec. 54-201 to allow construction of a single-family residence with an 
   8-5 front setback (steps) a 1.5-ft. east side setback (25-ft. and 3-ft. required).  
   Zoned DR-2F  
       Owner: Chamberlain Cheesnut  
       Applicant: Chamberlain Cheesnut
   APPROVED 0  
   WITHDRAWN 0  
   DISAPPROVED 0  
   DEFERRED 0
   MOTION: Approval.
   MADE BY: D.Vanice-Vanice  
   SECOND: H.Morton  
   VOTE: FOR § AGAINST §

9. 902 ARCADIAN WAY (AVONDALE)  
   (418-15-00-027)  
   APP. NO. 2101-19-89
   Request an appeal of the Zoning Administrator's decision to allow a subdivision to create 4 lots 
   that do not meet the minimum 30-ft. lot frontage requirement on a public right-of-way.  
   Zoned SH-1  
       Owner: Dawn and Maria Simpson  
       Applicant: Lexi Grantham Land Group by Capers Real, III, Attorney
   APPROVED 0  
   WITHDRAWN 0  
   DISAPPROVED 0  
   DEFERRED 0
   MOTION: Deferred.
   MADE BY:  
   SECOND:  
   VOTE: FOR  
   AGAINST  
   BOARD OF ZONING APPEALS—ZONING MEETING OF JANUARY 19, 2021
10. 602 ARCADIAN WAY (AVONDALE) (218-15-00-677)  
APP. NO. 2161-19-B10

Request variance from Sec. 94-224 to allow a subdivision to create 4 lots that do not meet the minimum 50-ft. lot frontage requirement on a public right-of-way (Lot frontages will range from 75- 
ft. to 81.67-ft.)
Zoned SR-1

Owner: Cerwi and Maria Simpson
Applicant: LasaMann for Levi Granham Land Group

APPROVED: 0  
WITHDRAWN: 0

DISAPPROVED: 0  
DETERRED: XX

MOTION: Deferred.

MADE BY: _______  SECOND: _______  VOTE: FOR _______ AGAINST _______

For more information, contact the Zoning and Codes Division Office at 704-6491
In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL
(American Sign Language) interpretation or other accommodation please contact Janet Schumacher
At (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.
Agenda Item #A-2

692 ARCADIAN WAY (AVONDALE)
TMS # 418-15-00-037

Request an appeal of the Zoning Administrator’s decision to deny a subdivision that would create 4 lots that do not meet the minimum 105-ft. lot frontage requirement on a public right-of-way.

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

City of Charleston

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

THE APPLICANT HEREBY REQUESTS:

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

MEETING DATE REQUESTED: JANUARY 19, 2021

Property Address: 692 Arcadian Way, Charleston, SC 29407

TMS #: 418-15-11-037

Property Owner: Darwin & Marie Simpson

Daytime Phone: 843-571-0881

Applicant: Levi Gramham Land Group by Capers G. Barr, III, Attorney

Daytime Phone: 843-853-4379

Applicant's Mailing Address: 11 Broad Street, Charleston, SC 29401

Email Address: cgb@bgsmanagemnt.com

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

Zoning of property: SR-1

Information required with application: [check information submitted]

☐ Scaled plans or 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 M & L and elevation and plan on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check credit card or cash (make check payable to Charleston City)

YES or NO - is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed fund use encompassed in this application? § 6-297-1145 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: 12-03-2020

For reference only

Date application received

Time application received

Staff person

Fee

Receipt #
Appeal for Reconsideration to the
Board of Zoning Appeals – Zoning (BZA-Z)

City of Charleston

Applicants appealing for reconsideration of a Board decision or decision of the zoning administrator must submit the following information with the BZA-Z application and fee to the Permit Center at 2 George Street:

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

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

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

See attached Memorandum.

Signature of Applicant

[Signature]

Date

Dec 30, 2020

For office use only

Date application received: 12/30/20
Time application received: 21:06
Staffperson: [Name]

Department of Planning, Preservation & Sustainability
2 George Street
Charleston, South Carolina 29401
(843) 724-3731
www.charlestonsc.gov/zoning
Lot Frontage. The front side of a lot that abuts a street or thoroughfare from which direct vehicular access to lots may be available.
Sec. 54-824 Design standards for new lots.
c. New lots shall conform to the following dimensions and design standards:

1. **Lot frontage for single-family and two-family residential**. The following lot frontage requirements in Table 8.2.3 shall apply to all new single and two-family residential lots, except that residential lots within existing residential subdivisions may not be subdivided with lot frontages less than the average lot frontage of all abutting residential lots, residential lots across the street(s), and residential lots within five (5) lots on either side of the frontage of the subject lot, or the minimum lot frontage for that zoning district, whichever is greater. Lots subdivided and developed for one-family detached affordable housing per section 54-207, z. shall be subject to the frontage requirements of that section.
<table>
<thead>
<tr>
<th>Zone District</th>
<th>Minimum lot frontage on a right-of-way for single and two-family residential lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR-1, SR-2, SR-3, SR-4, SR-5 and STR</td>
<td>50 ft. except for 30-ft. arc on a cul-de-sac</td>
</tr>
</tbody>
</table>
c. New lots shall conform to the following dimensions and design standards:

1. Lot frontage for single-family and two-family residential. The following lot frontage requirements in Table 8.2.3 shall apply to all new single and two-family residential lots, except that residential lots within existing residential subdivisions may not be subdivided with lot frontages less than the average lot frontage of all abutting residential lots, residential lots across the street(s), and residential lots within five (5) lots on either side of the frontage of the subject lot, or the minimum lot frontage for that zoning district, whichever is greater. Lots subdivided and developed for one-family detached affordable housing per section 54-207, z. shall be subject to the frontage requirements of that section.
MEMORANDUM

TO: BOARD OF ZONING APPEALS - ZONING,

FROM: CAPERS G. BARR, III
ATTORNEY FOR CRESCENT HOMES, LLC/LEVI GRANTHAM, LLC

DATE: DECEMBER 29, 2020

SUBJECT: APPEAL OF ZONING ADMINISTRATOR’S DECISION IN THE MATTER OF 692 ARCADIAN WAY, AVONDALE SUBDIVISION; FRONT FOOT CALCULATION OF SUBDIVIDED LOTS

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

The City Zoning Ordinance, in Section 54-824.1 provides, in pertinent part:

“The following lot frontage requirements in Table 8.2.3 shall apply to all new single and two family residential lots, except that residential lots within existing residential subdivisions may not be subdivided with lot frontages less than the average front footage of all abutting residential lots, residential lots across the street(s), and residential lots within five (5) lots on either side of the frontage of the subject lot, or the minimum lot frontage for that zone district, whichever is greater...”
Crescent Homes, by its attorney, submitted a Memorandum to the Zoning Administrator dated August 13, 2020, which states Crescent’s rationale for the subdivision of the Subject Property into four lots, with an average front footage of 77.4 feet. The comparable existing lots average 76.875 front feet per lot; a front footage slightly larger than the comparable average. The proposed subdivision should be approved. See attached Exhibit "B".

In his decision of December 22, 2020, (Exhibit “A”), the Zoning Administrator disagrees that front footages averaging 77.4 feet comport with Section 54-824.c.1; instead concluding that the required front footage is 92 feet, for the reasons stated in his letter.

**GROUND FOR THE APPEAL**

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

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

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

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

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

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

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

VIA EMAIL

Capers G. Barr, III
11 Broad Street
Charleston, SC 29401

Re: 692 Arcadian Way, Average Lot Frontage Calculation

Dear Capers,

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

Sec. 54-824.1.1, of the City of Charleston Zoning Ordinance sets forth the requirements for determining the minimum lot frontage requirement for new single and two-family residential lots "within existing residential subdivisions." This section applies to the subdivision of the subject lot because the lot is located within the Avondale subdivision.

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

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

Applying the requirements of Sec. 54-824.1.1, the minimum lot frontage requirement for the subdivision of 692 Arcadian Way should be calculated by averaging the lot frontages of the following lots:

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

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

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

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

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

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

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

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

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

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

Sincerely,

[Signature]

Lee C. Batchelder
Zoning Administrator

2 George Street - 3rd Floor - Charleston, South Carolina 29401 - Tel. (843) 724-3765 - Fax (843) 724-3772
MEMORANDUM

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

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

DATE: AUGUST 13, 2020

SUBJECT: 692 ARCADIAN WAY SUBDIVISION; FRONT FOOT CALCULATION

INTRODUCTION; STATEMENT OF THE ISSUE.

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

THE UNDERLYING FACTS.

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

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

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

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

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

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

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

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

d. Another plat of record of the same area of Arcadian Way was made by W. L. Gallivan in February, 1943, and recorded in Plat Book F at Page 123. (See Exhibit "F"). Compare Exhibit "F" with Exhibit "C". Note that on Exhibit C, the large lot shown in 1934 as "James K. Mannos" was, in 1943, according to Exhibit "F", four lots: Lots 7 and 8 fronting on Arcadian Way were each 75 foot front footage, and Lots 5 and 6 fronting on Oakdale Place were 81 feet and 100 feet respectively. Also, note that the lots that had been labeled "Brittain" and "Pedaline" on the 1939 plat attached as Exhibit "C", were originally lots 9 and 10 on the 1943 plat at Exhibit "F".
6. As a preliminary observation, note that the front footage scheme of the portions of Avondale shown by the plats attached as Exhibits "B"—"F" are dominated by 70 to 75 foot wide frontages.

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

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

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

10. Note from Exhibit "J", the 1963 plat, that Lot 48 on Colony Drive backs up on the Subject Property; but this plat was prepared before the 1981 subdivision of Lot 44 of the Subject
Property as discussed in Paragraph 5b above, which resulted in the length of that common boundary to be reduced by 33 feet.

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

12. **The Most Recent Subdivision: Reveille on the Ashley.** On December 4, 2019, a subdivision was recorded in Plat Book L 19 at Page 0521 (See Exhibit "L") of four lots that were subdivided from old lots 10 and 45 (which are shown on Exhibits "C", "D", and "F"). The front footage of the Reveille lots is not shown, but from the scale of the plat, three of the lots appear to be 80 feet wide and one is approximately 75 feet wide. The total front footage of the Reveille property appears to be approximately 315 feet, by the scale.

**DISCUSSION OF THE ISSUE.**

The application of Section 54-824 in this case must be contextual. That context includes the history of Avondale as discussed above. The four lots proposed to be subdivided by Crescent present wider front footages than were the original three lots shown on the original Avondale subdivision plat: Proposed widths are 75 feet, 81.67 feet, 77.96 feet, and 75 feet (see Exhibit "A"), as compared with original widths of 68 feet, 71 feet, and 62 feet (see Exhibit "C"). As shown in the discussion of facts above, the overall neighborhood of Avondale, from its apex on Savannah Highway to its base on the Ashley River, is dominated by lots with 75 foot frontages.

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

The resulting average would become this:

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

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

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

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

Because Lot 48 of Colony Circle is an aberration, and because it only slightly touches the Subject Property, it should not be included in the calculus. It is not at all a part of the "harmonious development" purpose expressly envisioned by the subdivision regulations. If this reasoning is followed, and the Colony Circle lot is rejected as an outlier, the average front footage of the other surrounding lots (items 2-8 in the calculation above, divided by 8 lots) becomes 76.875 feet. The average footage of the Subject Property is 77.4 feet. (75 feet + 81.67 feet + 77.06 feet + 75 feet = 309.63 feet divided by 4 = 77.4 feet.) (See Exhibit "A") The Subject Property is therefore in conformity with the ordinance.

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

As expressed in the ordinance itself, the intent of the subdivision regulations is to provide
for harmonious development. Seventy-five foot wide lots in Avenida are manifestly harmonious
with the overall subdivision scheme and for that reason the Subject Property should be approved
for 4 lots.
PLAT OF 10 LOTS, NUMBERED 11 TO 20, BEING A PORTION OF SECTION 2, AVONDALE, ST. ANDREW'S PARISH, CHARLESTON COUNTY, S.C., THE PROPERTY OF THE WEST CHARLESTON CORPORATION.

SURVEYED: JULY 1923. 832.0000, 20.7, 20.4 X 246
January 12, 2021

VIA EMAIL:

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

Re: 692 Arcadian Way, Average Lot Frontage Calculation
WITH CORRECTIONS TO 12/22/2020 LETTER
NOTED AS DELETIONS AND ADDITIONS

Dear Capen,

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

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

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

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

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

815 Coloney Drive = 106’ lot frontage (this lot abuts 692 Arcadian Way)

701 Arcadian Way = 56’ 150’

2 George Street · 3rd Floor · Charleston, South Carolina 29401 · Tel. (843) 724-3565 · Fax (843) 724-3772
Copert G. Bart, III
January 7, 2021
Page Two

502 Reveille Court = 92'
504 Reveille Court = 91'
506 Reveille Court = 91'
508 Reveille Court = 97'
(the preceding five lots are located across a street from 692 Arcadian Way)

The minimum lot frontage requirement using the average of these lot frontages is 92' 106'.'

With Arcadian Way making a 90 degree turn at 692 Arcadian Way, the following lots could be included in the average lot frontage calculation because they could be considered residential lots within five (5) lots on either side of the frontage of the subject lot:
706 Arcadian Way = 75' lot frontage
708 Arcadian Way = 75'
712 Arcadian Way = 75'
3 Oakdale Place = 173'
4 Oakdale Place = 89'

If all lots listed above are included, the minimum lot frontage requirement using the average of these lots is 94' 106'.

Although the following lots about 692 Arcadian Way, they should not be used to calculate the average frontage because they are not single-family or two-family residential lots:
672-680 St. Andrews Boulevard
684 Arcadian Way
811 Colony Drive

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

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

Sincerely,

[Signature]

Lee C. Buchholzer
Zoning Administrator

2 George Street, 3rd Floor, Charleston, South Carolina 29401 • Tel: (843) 724-3765 • Fax: (843) 724-3772
9. New Applications:

1. ARCADIAN WAY (Ayondale) (515-15-00-099) APP. NO. 143-16-01

   Request an appeal to the Zoning Administrator's interpretation of subdivision regulations contained in the Zoning Ordinances and their application to the proposed subdivision of a vacant residential lot.

   Zoned SR-1

   Owner: Gay Lemos/Aplicant: John Baker

   APPROVED 0
   WITHDRAWN 0
   DISAPPROVED XX
   REFERRED 0

   MOTION: Disapproved.

   MADE BY: JSmith SECONDO: JJaeger VOTE: FOR 0 AGAINST 0

2. 113 AMERICA ST. (Eastside) (456-03-06-026) APP. NO. 143-16-02

   Request special exception under Sec. 56-119 to allow a change to a non-conforming use from a liquor store to a Laundromat in a DR-2F (General Residential) zone district.

   Owner: Williams/Attorney/Attorney: M Maybank

   APPROVED XX
   WITHDRAWN 0
   DISAPPROVED 0
   REFERRED 0

   MOTION: Approval with condition—8:00 a.m.-4:00 p.m., Monday-Saturday, closed Sunday.

   MADE BY: JSmith SECONDO: JJaeger VOTE: FOR 0 AGAINST 0

3. 1823 EDIZWOOD DR. (Hiawatha Hills) (356-53-63-141)

   APP. NO. 143-16-03

   Request variance from Sec. 54-324 to allow a subdivision of 2 lots with (Lot 34 f) having a 99.99 feet frontage (99.9. required).

   Zoned BUR

   Owner: Applicant: Christopher Pevens

   APPROVED XX
   WITHDRAWN 0
   DISAPPROVED 0
   REFERRED 0

   MOTION: Approved.

   MADE BY: MSmith SECONDO: JJaeger VOTE: FOR 0 AGAINST 0
A. Deferred applications from previously advertised BZA-A agendas. For information call 734-3711.

1. No Deferred Applications.

New Applications:

1. 720 ARONOVIC WAY (AVONDALE) (416-1540-039)
   APP. NO. 161-20-81
   Request an appeal to the Zoning Administrator’s decision on the calculation of the average lot frontage requirement.
   Zoned SR-1.
   Owner: Lawrence App. Cit. Richard, Mr. John Ferris via Simon Rental Realty, Inc.
   APPROVED 0
   DISAPPROVED XX
   WITHDRAWN 0
   DEFERRED 0
   MOTION: Disapproval.
   MADE BY: B.Cornett SECOND: W.Greene VOTE: FOR 2 AGAINST 0

2. 20 CHAPEL ST. (NAZCA/IRVING BRUCKNER (409-1341-036)
   APP. NO. 161-20-92
   Request special exception under Sec. 54-110 to allow the vertical extension of a non-conforming building for the existing house 18 inches and connecting a second floor addition.
   Zoned 3.4-19.
   Owner: Kevin Fitzgall/Appraiser Chris Bernal
   APPROVED 0
   DISAPPROVED XX
   WITHDRAWN 0
   DEFERRED 0
   MOTION: Approval.
   MADE BY: B.Bohman SECOND: M.Robinson VOTE: FOR 2 AGAINST 0

3. 2115 ASHEPOD LN. (SILVER HILLS/MAGNOLIA)
   APP. NO. 151-20-03
   Request special exception under Sec. 54-110 to allow an addition (stairs and porch) that extends a non-conforming 0.6-8 west R-8 setback and non
   conforming 1.7-6 front setback (8-0, 25-8, required).
   Request waiver from Sec. 54-301 to allow a 2nd story second/middle/landing with a 470 sq ft occupancy. (Limit is 330).
   Request use variance from Sec. 54-255 to allow 2 chemical toilets for a SR-1
   (Single Family Residential) accrued property.
   Owners: Tim & Cindy Engeral/Innkeepers/Cesty Creations
   APPROVED 0
   DISAPPROVED XX
   WITHDRAWN 0
   DEFERRED 0
   MOTION: Approval of said request, addition and tot occupancy.
   MOTION: Disapproval of two electric meters.
   MADE BY: B.Bohman SECOND: W.Greene VOTE: FOR 2 AGAINST 0
REVISED MEMORANDUM

TO: BOARD OF ZONING APPEALS – ZONING.

FROM: CAPERS G. BARR, III
ATTORNEY FOR CRESCENT HOMES, LLC/LEVI GRANTHAM, LLC


SUBJECT: APPEAL OF ZONING ADMINISTRATOR'S DECISION IN THE MATTER
OF 692 ARCADIAN WAY, AVONDALE SUBDIVISION; FRONT FOOT CALCULATION
OF SUBDIVIDED LOTS

Crescent Homes, for and on behalf of Levi Grantham, LLC, the contract buyer of 692
Arcadian Way (the “Subject Property”), appeals the decision of the Zoning Administrator dated
December 22, 2020, as revised January 12, 2021, which concludes that, in a subdivision of the
Subject Property, the front footage of each subdivided lot must be at least 105 feet wide. A copy
of the Zoning Administrator’s revised decision of January 12, 2021 is attached as Exhibit “I” to
this memorandum.

The City Zoning Ordinance, in Section 54-824.c.1 provides, in pertinent part:

"The following lot frontage requirements in Table 8.2.3 shall apply to all new single and
two family residential lots, except that residential lots within existing residential subdivisions may
not be subdivided with lot frontages less than the average front footage of all abutting residential
lots, residential lots across the street(s), and residential lots within five (5) lots on either side of
the frontage of the subject lot, or the minimum lot frontage for that zone district, whichever is
greater...”
Crescent Homes, by its attorney, submitted a Memorandum to the Zoning Administrator dated August 13, 2020, which states Crescent’s rationale for the subdivision of the Subject Property into four lots, with an average front footage of 77.4 feet. The comparable existing lots average 76.875 feet per lot; a front footage slightly larger than the comparable average. The proposed subdivision should be approved. See attached Exhibit "B".

In his decision of December 22, 2020, as revised January 13, 2021 (Exhibit "1"), the Zoning Administrator disagrees that front footages averaging 77.4 feet comport with Section 54-824.c.1; instead concluding that the required front footage is 105 feet, for the reasons stated in his letter.

GROUND FOR THE APPEAL:

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

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

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

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

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

4. (NEW) The Zoning Administrator erred by counting the front footage of 701 Arcadian Way as 150 feet, when it is obvious and apparent that the 150 foot line was intended as the side lot line rather than the front lot line. It matters not that the owner chose to construct a residence facing the side line rather than the front line. Surely, the lot to the west of 701 uses a St. Andrews Boulevard address and not an Arcadian Drive address, which further proves that the 150 foot line is the side and not the front. In construing the ordinance.
the original subdivider’s intent should predominate an analysis, and not the numerous and arbitrary permutations that may have occurred in the orientation of lots over an extended period of years.

5. The Zoning Administrator’s 103 foot front conclusion is inconsistent with the harmony of the neighborhood, as well as with the entirety of Avondale subdivision.

6. Statutes or Ordinances in derogation of natural rights of persons over their property are to be strictly construed, as they are in derogation of the common law right to use private property so as to realize its highest utility, and should not be impliedly extended to cases not clearly within their purpose or scope. Purdy v. Mote, 223 SC 298, 75 S.E.2d 605 (SC 1953).
SUBDIVISION PLAT
SHOWING REVERSES ON THE ASHLEY PROPERTY OF L.H. PAMKR LEGACY TRUST, LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA

DATE: JANUARY 16, 2018
REVISED: DECEMBER 4, 2019
SCALE: 1' = 20'

WITH 701 Acreage Premium added (75') = Avg. = 77.5'

OPTIONS A

TOTAL NUMBER OF LOTS = 4
GREEN ACREAGE = 1.00 AC
CONSTRUCTION SETBACK = 5.00 AC
TOTAL LR = 1.50 AC
REMAINING ACREAGE = 0.50 AC

42.97
18.96
13.91
2.90

23.28 / 2.51

312.87 / 4 = 78.09

With 701 Acreage Premium added (75') = Avg. = 77.5'

PLANNING USE ONLY

CITY OF CHARLESTON
EAST PLAT APPROVED 2-2-2000
APPROVED BY CITY COUNCIL
APPROVED BY CIVIC FOR CITY CONTROL

1. TO THE BEST OF MY KNOWLEDGE AND INFORMATION, THE INFORMATION CONTAINED IN THIS DRAWING IS CORRECT AND ACCORDING TO PLAN. I HEREBY CERTIFY THAT THE INFORMATION COUPLED WITH THE BASIS OF THE INFORMATION IS CORRECT.

2. DRAWER

3. SIGNATURE

4. DATE
SITE SUMMARY

TOTAL NUMBER OF LOTS = 4
GROSS ACREAGE = 1.445 AC
JURISDICTIONAL WETLAND = 0.006 AC
TOTAL LOT = 1.131 AC
TOTAL R/W = 0.306 AC
RESIDUAL ACREAGE = 0 AC

42.37
18.36
13.81
2.80
232.02
2.51
312.37 ÷ 4 = 78.09

With 701 Arcadian footage added (75') = Avg = T T 5'

DEDICATION STATEMENT

BY THE RECORDING OF THIS SUBDIVISION PLAT I HEREBY DEDICATE THE ROAD RIGHTS-OF-WAY AND EASEMENTS
Agenda Item #A-3

692 ARCADIAN WAY (AVONDALE)
TMS # 418-15-00-037

Request variance from Sec. 54-824 to allow a subdivision to create 4 lots that do not meet the minimum 105-ft. lot frontage requirement on a public right-of-way (Lot frontages will range from 75-ft. to 81.67-ft.)

Zoned SR-1
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)

City of Charleston

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

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

MEETING DATE REQUESTED: January 19, 2021

Property Address: 592 Arcadian Way, Charleston, SC 29407 TMS #: 418-1500-037

Property Owner: Darvin & Maria Simpson Daytime Phone: 843-571-6581

Applicant: Leisemann & Associates for Levi Grantham Land Group Daytime Phone: 843-573-9035

Applicant’s Mailing Address: 592 Savannah Highway, Charleston, SC 29407

E-mail Address: joshua.craig@levigrantham.com

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

Zoning of property: SR-1

Information required with application: (check information submitted)
- Scaled plans or plans, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- If 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 and floor space developing area noted are required for all density variances and building additions, unless exempted by the Zoning staff (2 sets)
- Plans or drawings necessary to show compliance with special exception requirements (2 sets)
- Check, credit card or cash (make checks payable to the City of Charleston)
- YES or NO - Is this property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the proposed land use encompassed in this permit application? Section 62-29-11-55 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: Counsel for Applicant Date: 12/21/2020

For office use only
Date application received ____________________ Date application received ____________________
Institution: ____________________ Process #: ____________________
For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance will fill the following needs:

Please see attached.

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

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

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

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as §§ 54-110, §§ 54-206, or sections in Article 9 (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.
SUMMARY OF REQUEST FOR VARIANCE – 832 ARCADIAN WAY

Applicant seeks a variance for the subject property from the strict application of City Ordinance Section 54-824.c.1, in order to allow for subdivision of the property into four (4) lots with frontages of 75 feet, 81 feet, 78 feet, and 76 feet (average frontage = 77.4 feet). A copy of the proposed subdivision plat has been submitted with this variance application.

The subject property is zoned “SR-1” and includes 1.02 acres. Under the existing zoning classification, the lot frontage requirement is 50 feet. However, within “existing residential neighborhoods,” Section 54-824.c.1 (the “Ordinance”) applies a formula that modifies the lot frontage requirements based on the frontages of the adjacent/nearby lots. If this formula is strictly applied to the subject property, excessive and unreasonable lot frontages would be required that do not conform with the overall scheme of development in the surrounding area. Therefore, a variance is appropriate under the specific circumstances presented.

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

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

![Image of 836 Arcadian Way](image)

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

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

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

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

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

The authorization of a variance will not be of substantial detriment to adjacent property or to the public good. Instead, it will allow for property values to be enhanced through the creation of four, single-family homes on the subject property on lots that are consistent with the streetscape, appeal, and overall plan of development within Moreland as a whole. The variance, if granted, will improve the character of the district.
Agenda Item #A-4

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

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

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

City of Charleston

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

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

MEETING DATE REQUESTED: 1/14/2021
Property Address: 32 COUNCIL STREET TMS # 457-11-02-017
Property Owner: EMIL & NATALIE EMANUEL. Daytime Phone: ____________________________
Applicant: JEM ARCHITECTS. Daytime Phone: 843-577-3775
Applicant’s Mailing Address: 240 ‘B’ RUTLEDGE AVE., CHAS, SC 29403
Email Address: JULIA@JEMARCHITECTS.COM
Relationship of applicant to owner (name, representative, prospective buyer, owner, architect) ARCHITECT
Zoning of property: ER-2

Information required with application: (check information submitted)
- ☐ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (1 set)
- ☐ 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 (1 set)
- ☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
- ☐ Check, Cashiers or certified (make checks payable to the City of Charleston)
- ☐ Yes ☐ No - Is this Property protected by any recorded covenants 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: (check)
- ☐ 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: 11/8/20

Fee: $ ____________ Time application received: ____________ Receipt #: ____________

For office use only: Name ____________________________ Address ____________________________ Phone Number ____________________________

By Signature

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


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

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

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

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

See Attached


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

SPECIAL EXCEPTION
Requesting a special exception to permit the following:

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

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

Pursuant to § 540.11 of the Ordinance, regarding special exceptions, the proposed changes...

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

Pending approval by the BZA-Z, the proposed design will subsequently be submitted for review and approval by the Board of Architectural Review as required.
TOPOGRAPHIC PLAT
OF LOT 171, SOUTHWESTERN SECTION,
CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA.
PRESENTLY OWNED BY EMIL H. EMANUEL, III.
19 LAMBOLL STREET
(CHARLESTOWNE)
TMS # 457-16-01-042

Request variance from Sec. 54-301 to allow a one-story addition (kitchen/den and steps having a 43% lot occupancy (35% limitation; existing lot occupancy 38%).
Zoned SR-4
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)

City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Zoning Division office at 75 Calhoun Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

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

MEETING DATE REQUESTED: 16 February, 2021

Property Address 58 Lamboll Street
Property Owner Jane Evans Hamilton
Applicant Julie F. Martin Architects
Applicant’s Mailing Address 210 Rutledge Avenue, 2nd Floor
Charleston SC 29403

Daytime Phone 843-577-3275
E-Mail Address jm嘉宾@jim嘉宾.com

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

Zoning of property: SI-4

Information required with application (check information submitted)
☐ Sealed 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 sealed plans
☐ Sealed floor plans with rooms labeled and the total floor area for each existing and new area are required for all density variances and building additions, unless exempted by the Zoning Staff (3 sets)
☐ Thins, 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)
☐ Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this property, which is the subject of this Application, exempted by any recorded covenant, restriction, or other document that is contrary to or conflicts with or prohibits the proposed land use encompassed in this permit application? YES ___ NO ___

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

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

Applicant

Date

For office use only

Date application received

Time application received

Fee

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

(see attached)

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**Variance Test:** The Board of Zoning Appeals 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 generically 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](https://www.sc.gov/))

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

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All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 5, 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.

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Department of Planning, Preservation & Sustainability 2 George Street  Charleston, South Carolina 29401
(843) 724-7761  www.charleston-sc.gov/zoning

9/19
19 LAMBOLL STREET: BZA REVIEW

1. VARIANCE: Requesting a variance to construct a new one-story addition (heated footprint: 222 sf) and 3 reconfigured, code-compliant sets of entry steps (145 sf total) which would increase the lot coverage from 31.2% to 45.7% (ordinance stipulates max. 35%).

- This historic residence is a multi-generational home that has evolved over time via a series of narrow extensions which cannot easily be removed or altered, but which functionally do not allow for modern living.
- We are requesting to add a one-story addition that would sensibly alter the west elevation and create space for a contemporary kitchen and den, while preserving the historic formal rooms at the front of the home.
- Three sets of existing wood steps will be removed as part of this renovation and will be replaced with two new sets of code-compliant masonry steps of the new addition and an existing entry on the east elevation.
- The existing garage, constructed c. 1980, will be elevated 2' 0" due to repeated flooding and will also require a new set of steps where none previously existed.

Variance Test:

1. The existing building’s history & configuration along with the site constraints clearly comprise extraordinary and exceptional conditions. Historic elements of the home, particularly the c. 1902 rear extension (that could not be demolished), prevent extensive reconfiguration of the layout, which might otherwise allow for a more functional plan within the existing lot coverage.
2. The existing (largely historic) footprint of the main house is unusually narrow in comparison to other houses on the stretch of Lamboll Street.
3. Without this modest expansion, this home is unreasonably restricted in its ability to contain commonplace features (a modern kitchen and informal den) typical of a house of this size and location. Requiring that the intact formal rooms of the home be modified instead would be detrimental to the historic fabric and certainly decrease the value of such a notable property.
4. The proposed addition has been limited to a single story, is hidden from view at the public right-of-way and does not unreasonably infringe on the privacy of neighboring properties.
Agenda Item #B-2

45 WESPANEE DRIVE
(WESPANEE)
TMS # 418-03-00-075

Request variance from Sec. 54-301 to allow a detached accessory building (garage/storage) with a 5-ft. south side setback and a 10-ft. rear setback (9-ft. and 25-ft. required).

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

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

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

MEETING DATE REQUESTED:

Property Address: 45 Wespanee Drive  TMS #

Property Owner: Bryan Solomon  Daytime Phone: 843-925-8444

Applicant: Bryan Solomon  Daytime Phone: 843-925-8444

Applicant’s Mailing Address: 45 Wespanee Drive Charleston, SC 29407  843-925-8444

E-mail Address: bryansolomon0@gmail.com

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

Zoning of property: SR-1

Information required with application: (check information submitted)
☐ Scaled 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 emergency egress 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)
☐ Plots 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: Bryan Solomon

Date: 1/13/2021

For office use only
Date application received
Staffperson

Page 1 of 11
Receipt #
For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Requesting variance on setback requirements for accessory structures. See following pages for more information.

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

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

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

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

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

I (Bryan Solomon) am proposing to construct an 810 square foot garage, while asking for a variance on the setback requirements from the rear and side property lines. The current attached garage is not large enough for two vehicles to fit inside, nor does the driveway have the space to park two cars side by side without one blocking in the other. I am proposing to build a detached garage that will fit two vehicles inside, with a small area for a workbench and woodworking tools. This garage will also have a small bathroom with a toilet and utility sink, as well as a loft overhead for storage.

An accessory building of this size currently requires a 25-foot setback off the rear property line and a 9-foot setback off the side property line. To meet these requirements, I would have to make extensive modifications to my house. This would include removing an exterior entrance, relocating the exterior air conditioning unit, and altering the roof of my house. Ultimately, this would leave us without a convenient point of entry in the rear of the house and would encroach on a grand oak at the front of the property. Overall, adapting to the current setback requirements would be detrimental to our utilization of the property and house. All of this is shown in Illustrations #2.

The existing house has a roof height of 15’5”. The roof height of the proposed garage is 18’5”, putting it well under the current height restrictions. I have spoken with an architect who has worked with me on two previous renovations to make sure that the design for the proposed garage ties into the existing house and neighborhood. I plan to mimic all architectural elements between the house and garage including roofing, siding, windows, light fixtures, and paint colors.

One of the restrictions of the West Amee neighborhood is that only 1 meter per lot is allowed. All the houses in this neighborhood have their electrical meters located away from the house, not attached. The electrical meter for my house is currently located on the adjacent lot behind me. I have met with Dominion Energy on relocating the meter for my house to make it much safer. As shown in Illustration #1, once the garage has been built, the electrical meter will be relocated to mount on the rear of the garage.
Agenda Item #B-3

2420 THAXTON STREET
(MELROSE)
TMS # 310-02-00-054

Request variance from Sec. 54-301 to allow an addition (carport) with a 2.0-ft. east side setback 9-ft. required).

Zoned SR-1
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-2)

City of Charleston

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

THE APPLICANT HEREBY REQUESTS:
☐ A Variance and/or Special Exception as indicated on page 7 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: Feb 15, 2021

Property Address 2420 Tarklow St, CHS, SC 29414

Property Owner Michael S. Wiggins

Applicant Same

Daytime Phone 843-919-4749

Applicant’s Mailing Address 2420 Tarklow St, CHS, SC 29414

E-mail Address mawiggins1@cawcom.net

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

Zoning of property Z BR

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 variance 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 contained in this permit application? ☐Yes ☐No $79-144 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 any exist, and that I am the owner of the subject property or the authorized representative of the owner. The subject property is to be posted with a notice of the Board hearing and inspected.

Applicant Michael Wiggins

Date 1/15/2021

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

I am requesting a variance to build a lean to on the side of my house, on the side set back I will be app 2'6" from the property line. I have talked with my neighbor and they have no problem with this. The rear of my house is app 4'6" from the road and I know I need 60', so I need a variance for this lean to. This house was built in the 60's and I know there are changes to the help.

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

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

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

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 84-110, § 84-206, or sections in Article 5 (add as an attachment if necessary):

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
Agenda Item #B-4

10 ASHLEY AVENUE
(CHARLESTOWNE)
TMS # 457-07-04-023

Request variance from Sec. 54-301 to allow a stair addition with a 7-ft. south side setback and to allow a 2-story addition (storage/sunroom/office/covered patio) with an 11-ft. south side setback and a 15.8-ft. rear setback (12-ft. and 25-ft. required).

Zoned STR
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 expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: FEBRUARY 16, 2021
Property Address: 10 ASHLEY AVE CHARLESTON SC 29401, TMS # 4570704023
Property Owner: CONOR AND MEREDITH DUFFY, Daytime Phone: 503-502-0839
Applicant: NASEEM KESHMIIRIAN & JULIAN LEGUIZAMON, Daytime Phone: 843-509-4906
Applicant’s Mailing Address: 11 WESTSIDE DR CHARLESTON SC, 29412
E-mail Address: NASEEM@STUDIOINK.NET

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

Zoning of property: STR

Information required with application: (check information submitted)
☒ Scaled plans or plats, including elevations showing the variance or special exception(s) being requested (3 sets)
☒ For new construction or additions within a flood zone, show HVAC unit 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? § 6-79-1145 of the South Carolina Code of Laws

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

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

Applicant: ____________________________ Date: 01/15/2021

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

**THE EXISTING BUILDING IS BEYOND SETBACKS FOR STR. CLIENT WANTS TO EXTEND THE BACK EXTERIOR SIDING WALL AND RELOCATE SIDE ENTRY STAIRS. THERE WILL BE AN OPTIONAL ROOF TOP ON THE BACK ADDITION.**

**THIS CONDITION WILL NOT HARM THE CHARACTER OF THE DISTRICT GIVEN THAT THE REQUESTED ADDITION IS IN REAR OF THE PROPERTY AND IT WILL NOT INTERFERE WITH THE ADJACENT PROPERTY.**

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

1. There are extraordinary and exceptional conditions pertaining to the particular place 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 place of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

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

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-10.1, § 54-20.1, or sections in Article 6 (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.
Agenda Item #B-5

270 KING STREET AND 71 WENTWORTH STREET
TMS # 457-08-01-126,127,163

Request special exception under Sec. 54-220 to allow a 12-unit accommodations use in a GB-A (General Business-Accommodations) zone district.
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-2)
City of Charleston

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

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

MEETING DATE REQUESTED: February 16, 2021
Property Address 279 King Street/71 Wentworth Street TMS # 457-01-01-126, 127, 128
Property Owner 279 King Street Development Company, LLC Daytime Phone 843-385-4631
Applicant Wombly Bond Dickinson (US) LLP James Wilson Daytime Phone 843-726-4440
Applicant’s Mailing Address 5 Exchange Street, Charleston, SC 29401
Email Address james.wilson@wbd.us.com

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

Zoning of property G-R-A-1

Information required with application (check information submitted):
☐ Signed plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show FMAE 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 the 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 requested 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 all applicable provisions of this Zoning Ordinance and any recorded covenants or agreements, 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 James W. Wilson
Date January 15, 2021

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

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

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

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

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

See Exhibit A attached hereto

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.
Exhibit to Application
Board of Zoning Appeals – Zoning
270 King/71 Wentworth Street

RE: Request for Approval for Accommodations Use for 270 King/71 Wentworth Street, City of Charleston

We are requesting a Special Exception pursuant to Section 54-220 to allow a 12 unit accommodations use, including an approximately 1,200 square foot restaurant and bar area, within the historic building located at 270 King Street, on the southeast corner of King Street and Wentworth Street. The entrance to the building for the accommodations use is located on Wentworth Street.

The first floor of the building is currently used for retail, and the second and third floors have been vacant for an extended period. The building is subject to an existing condominium regime. The majority of the first floor with retail space fronting on King Street is unaffected by the proposed project. The easternmost portion of the first floor with approximately 1,200 square feet of retail space fronting on Wentworth Street, and the entire second and third floors, are included in the proposed project. A portion of the first floor is proposed for restaurant and bar use ancillary to the accommodations use. However, this first floor space may alternatively be used for lobby, restroom, fitness, laundry, office, utility, or other uses ancillary to the accommodations use, or may not be included as part of the accommodations use and simply remain a standalone retail use.

The 12 units to be located on the second and third floors are designed as large spaces with kitchens, living space, and separate bedrooms.

Parking will be provided in the next door parking garage located at 69 Wentworth Street. The applicant has entered into a long term lease for 12 reserved parking spaces located on the top floor of the parking garage. Guests will park in these spaces, as well as load and unload there.

The following are written responses to the criteria identified in Section 54-220 for the Accommodations Overlay District for the above-referenced project:

Accommodations uses. The Board of Zoning Appeals – Zoning may permit accommodations uses as an exception where it finds that:

a) the accommodations use will not result in a net loss of dwelling units that have been occupied within five years of the date of application; provided however, the BZA may approve the alteration or replacement of such existing dwelling units on the same site as the accommodations use, or within a radius of one quarter (1/4) mile from the site if the proposed off site location does not result in an over concentration of four
income households, as defined by the U.S. Department of Housing and Urban Development, as adopted by the Department of Housing and Community Development, and provided further, the BZA shall require any such alteration or replacement to be made in substantially the same size and type of housing being altered or replaced and shall require that no certificate of occupancy shall be issued for the accommodations uses until either a certificate of occupancy has been issued for all dwelling units being altered or replaced or irreparable bonds or letters of credit in favor of the City in amounts equivalent to two hundred twenty-five (225%) per cent of the costs to complete construction or renovation of the dwelling units, as determined by the Chief Building Inspector, has been filed with the City. Not applicable. No dwelling units have existed within the past 5 years on the property.

b) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not reduce or displace more than 25% of office space that has been used for such purpose within the past five years of the application for the exception. Not applicable. No office space has existed within the past 5 years on the property.

c) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not displace more than 25% of the linear frontage of existing ground floor storefront retail space on the property. Most of the existing retail storefronts on the first floor of the building will remain unaffected by this project. Approximately 20 linear feet (10%) of the building storefront may be converted to restaurant/bar space or other ancillary accommodations uses such as lobby, mailroom, fitness, laundry, or office.

d) the location of the accommodations use will not significantly increase automobile traffic on streets within residential districts. The project is located in a commercial/business district between King Street and Meeting Street with easy access to major streets and highways. Most guests are expected to arrive and depart via Wentworth Street to and from Meeting Street and King Street. Guests will arrive and depart from the parking garage entrance at 69 Wentworth Street where they will enter the garage and park in reserved spaces on the top floor. As described in the traffic memorandum submitted as part of this application, using the industry standard ITE Trip Generation, Tenth Edition calculations, the proposed 12 room accommodations use would be expected to generate 6 trips during AM peak period and 7 trips during PM peak period, which is actually less than the number of trips per day for the currently permitted 12 dwelling units residential use. As a result, the proposed accommodations use would not significantly increase traffic on nearby streets.

c) the location of the accommodations use will contribute to the maintenance, or creation, of a diverse mixed-use district. The proposed accommodations use is surrounded by retail, restaurant, office and hotel uses and will be compatible and complimentary to the mixed-use surrounding district.

f) the total square footage of interior and exterior floor area for restaurant and bar space in the proposed accommodations use, including restaurants' bar patron use areas, bar areas, kitchen, storage, and bathroom facilities, shall not exceed 12 percent of the total
interior, conditioned floor area in the accommodations use, except that each accommodations use shall be permitted to exempt from the calculation of total restaurant floor area one interior, ground floor restaurant tenant space if the total tenant space does not exceed 2,000 square feet, the restaurant tenant does not serve alcoholic beverages, and the exempt restaurant tenant space is clearly labeled with three restrictions on the floor plans submitted with the application for this zoning special exception. The proposed restaurant and bar space of approximately 1,200 square feet is approximately 4% of the total conditioned space of the accommodations use and therefore meets the requirement not to exceed 12% of floor area for restaurant and bar space. Please see attached calculations included on the proposed floor plans.

g) the accommodations use proposed guest drop off and pickup area(s) is located outside the public right-of-way and on the property utilized for the accommodations use if the accommodations use contains more than 50 sleeping units, and if 50 sleeping units or less, the proposed guest drop off and pickup area(s) are located outside the public right-of-way if feasible, and the location and design of the guest drop off and pickup area(s) has been reviewed by the Department of Traffic and Transportation and determined to be safe and not an impediment to traffic and that every effort has been made to minimize traffic impacts. Guests will load and unload within the reserved parking spaces located on the top floor of the parking garage located next door to the property. Guests will take the elevator or stairwell of the parking garage down to street level, where the entrance to the property is located approximately 40 feet away along the Westworth Street sidewalk. The site plan has been submitted to and reviewed with the Department of Traffic and Transportation.

h) the total number of sleeping units within the buildings or structures on the lot or parcel from which the accommodations use is located is equal to or exceeds ten (10) sleeping units. There will be 12 units within the building.

i) within areas of the accommodations use, any zone designated as "A-1", "A-2", "A-3", "A-4", "A-5", "A-6", or "A-7" on the zoning map, the number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located shall not exceed 50 in areas designated "A-1", 100 in areas designated "A-2", 225 in areas designated "A-3", 160 in areas designated "A-4", 150 in areas designated "A-5", 69 in areas designated "A-6", and 75 in areas designated "A-7", provided, however, that within the portion of the area designated "A-1" bounded by King Street on the west, Meeting Street on the east, Mary Street on the south and Line Street on the north (the "Full-Service Corridor"), the number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located may exceed 50, but shall not exceed 75, if the accommodations use qualifies as a Full-Service Hotel, meaning that the accommodations use provides 20,000 square feet of meeting, conference and banquet space of which 15,000 square feet thereof is contiguous, on-site restaurant that serves breakfast, lunch and dinner seven days a week and other services such as a concierge, a spa, health club, laundry, ironing service, newspaper delivery, security personnel and airport shuttle, and in no event shall any accommodations use on
the peninsula exceed 250 sleeping units. The property is in the A-1 overlay zone. The accommodations use will not exceed 12 units.

j) the proposed accommodations use will not share any of its buildings, structures, facilities, or operations with another accommodations use. The accommodations use will not share its building, facilities, or on-site operations with another accommodations use.

k) (1) The proposed accommodations use incorporates meeting and conference space at a ratio of 400 square feet per 10 sleeping units, or fraction thereof, with respect to the first 150 sleeping units, and incorporates meeting and conference space at a ratio of 1000 square feet for every 10 sleeping units, or fraction thereof, exceeding 150 sleeping units. In either case, at least 30% of the meeting and conference space shall be contiguous. (2) Notwithstanding subsection (1) hereof, if the accommodations use consists more than 50 sleeping units and is located in the Full-Service Corridor, the provisions of subsection (1) hereof shall govern the square footage of required meeting and conference space.

Two meeting rooms on the second floor, each over 400 square feet of space, are included as shown on the attached plans, which exceeds the required 400 square feet of meeting space for 12 units.

l) the proposed accommodations use will not result in there being more than eight (8) Full-Service Hotels on the peninsula. Inclusive of those Full-Service Hotels existing on the peninsula and those with approved special exceptions as of the effective date of the ordinance from which this section derives, for purposes of this subsection (l) only, a Full-Service Hotel means a Full-Service Hotel as defined in subsection (1) having in excess of 150 sleeping units. Not applicable.

m) to assist in providing affordable housing opportunities for its employees, the applicant for the accommodations use commits to contribute to the City of Charleston Affordable Workforce Housing Account a fee payable upon the issuance of a Certificate of Occupancy, calculated as follows: $3.50 per square foot of area used for sleeping units and the hallways adjacent to sleeping units, stairwells and elevators. Fee will be paid upon issuance of a Certificate of Occupancy for accommodations use.

Application requirements. In making the findings required in subsection b. 1, the Board of Zoning Appeals-Zoning shall consider the following information to be provided by the applicant in the plans, floor plans and building elevations that will govern the construction of the building in which the accommodations use is located, along with a detailed written assessment report to be submitted with the application:

1. The number of existing dwelling units on the property, including units on the property that were occupied as dwelling units within five years of the date of the application for the exception. the type of units (transient or owner-occupied), one-family detached, one-family attached, two-family or multifamily occupied or unoccupied), by income range of the most recent occupant(s), the rental price for rental units and market price for owner occupied units relative to the area median income figures that are determined annually by the U.S. Department of Housing and Urban Development and adjusted by
the City of Charleston Department of Housing and Community Development, or its successor, the physical condition of the units (sound, deficient, deteriorated or dilapidated), the square footage and number of bedrooms in each unit, and if the units are proposed to be physically altered or replaced, a description and plan showing the square footage and number of bedrooms in the altered or replaced units, and their location. Not applicable. No dwelling units have existed within the past 5 years on the property.

2. The effect of the physical alteration or replacement or relocation of dwelling units on the housing stock of a particular type on the property and whether a condition should be attached to a special exception approval for the accommodations use requiring a minimum percentage of the dwelling units on the property or replaced off-site to remain affordable based on the annually updated median area income value. Not applicable. No dwelling units have existed within the past 5 years on the property.

3. The presence of office space on the property, or the presence of spaces on the property that were occupied as office space within five years of the date of application for the exception. Not applicable. No office space has existed within the past 5 years on the property.

4. The linear footage of existing ground floor storefront retail space on the property. There is currently existing approximately 200 linear feet of storefront frontage on the building.

5. The location and design of guest drop off and pick up areas for the accommodations use. Guests will use the reserved parking spaces on the top floor of the next door parking garage for loading and unloading.

6. The cumulative number of vehicle trips generated by the proposed accommodations use and other accommodations uses that are either existing or approved within an area identified by the Department of Traffic and Transportation, the traffic circulation pattern serving the accommodations use as efforts made to minimize traffic impacts. The traffic memorandum submitted as part of this application describes the vehicle trips generated by the proposed accommodations use. The number of vehicle trips generated by the proposed 12 accommodations units is actually lower than the trips generated by 12 residential units (which are presently permitted for the property) and minor relative to the existing number of trips on streets in this business district (per SCDOT website traffic counts, several thousand trips per day travel on similar street sections in this area) or compared to the trips generated by other hotels in the area (which cumulatively exceed two thousand trips based on ITR Trip Generation, Tenth Edition calculations). Guest loading and unloading will take place off street in the parking garage located next door to the property. Guests will enter the parking garage from Wentworth Street. Meeting Street is an arterials road leading from US Highway 17 and Interstate 26 to the property, which is the route many of the vehicles will be utilizing. The site is ideally situated for pedestrian access to shopping, dining, and tourist activities, minimizing the need for guests to use their vehicles during their stay.
7. The distance of the main entrance and parking entrance of the accommodations use from a road classified as an arterial or collector road. Wentworth Street is classified as a major collector street, and the entrance to the parking garage is less than one block (approximately 350 feet) from Meeting Street which is classified as an arterial street.

8. The land uses within five hundred feet (500') of the accommodations use, to include the location, square footage, and number of rooms in existing accommodations uses and accommodations uses that have been approved. Land uses around the project include primarily commercial and civic uses—restaurants, retail, hotels, churches, synagogues, and offices, including the Renaissance Hotel located between Wentworth and Society Streets (approximately 165 rooms) and the Grand Bohemian hotel located at the corner of Meeting Street and Wentworth Street (approximately 50 rooms).

9. The proximity of residential districts to the accommodations use. The property is located in a commercial district. The nearest residential neighborhoods are located east of Meeting Street and west of St. Philip Street and would not negatively impact by the proposed 12 accommodations units.

10. The accessory uses proposed for the accommodations use, such as restaurants, spas, bars, pools, and the like, in terms of their location, size, impact on parking, traffic generation, noise or odors in or to a residential district. Approximately 1,200 square feet on the first floor is proposed for restaurant and bar use ancillary to the accommodations use. However, this first floor space may alternatively be used for lobby, ballroom, fitness, laundry, utility, office or other uses ancillary to the accommodations use, or may not be included as part of the accommodations use and remain a standalone retail use. The conversion of this existing retail space to another ancillary use would not materially impact traffic or parking and is not in proximity to impact any residential district.

11. The demonstrated provision of off-street parking at the rate of two spaces that meet the design requirements of section 54-318 for each three sleeping units, provided however, the utilization of mechanical or other means of parking that meet the ratio of two spaces for each three sleeping units shall be allowed. The project has 12 accommodations units, for a total parking requirement of 8 spaces. The applicant has secured a long term parking lease for 11 parking spaces in the next door parking garage. A copy of the lease is being provided to the City Zoning Administrator in connection with this application.

12. The presence of industrial uses and uses which are store, or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials, within five hundred feet (500') of the accommodations use. Not applicable.

13. The commitment to environmental sustainability and recycling. This project is restoring and putting back into use a historic building that has been largely vacant.
for decades. Original materials will be re-used to the extent reasonably possible. Measures as practical will be employed during construction and operation to incorporate sustainable elements and practices and the reduction of waste through recycling.

14. The distance of the accommodations from major tourist attractions. The property is conveniently located near principal historic areas and arts venues, as well as shopping and dining areas.

15. The distance of the accommodations from existing or planned transit facilities. The property is located directly on two CARTA routes on King Street and Wentworth Street and one block away from two other CARTA routes on Meeting Street.

16. The long term provision of on- or off-site parking for employees who drive vehicles to work, including an estimate of the number of employees that will drive to work during the maximum shift and the location of parking spaces to be provided, and the demonstrated provision of free transit passes or other incentives to encourage employees use of public transportation. The 12 reserved parking spaces in the parking garage will provide parking for several employees as needed, in addition to the 8 parking spaces required for the accommodations units. The estimated maximum number of employees who may elect to drive to work is 3 (calculated as 50% of the projected 6 employees at peak shift periods). The convenient location of CARTA bus service should encourage a higher percentage of employees to use public transportation, and employees will be offered at least a 30% employee contribution to monthly bus passes. Bicycle storage will also be provided to hotel employees to encourage bicycle use.

17. The number of sleeping units proposed as part of the accommodations use. The proposed accommodations use would have 12 units.

18. The provision of shuttle bus services to and from the Historic Districts by accommodations uses with more than 50 sleeping units located outside the area designated "A-1" through "A-6" on the zoning map. Not applicable.

19. The commitment to make affirmative, good faith efforts to see that construction and procurement opportunities are available to MBEs (minority business enterprises) and WBEs (women business enterprises) as outlined in section 2-360 (a)(3), (4), and (c) of the Code of the City of Charleston. The owner will make a commitment to make affirmative, good faith efforts to see that construction and procurement opportunities are available to DBEs and WBEs. Efforts will be made by the owner and general contractor to solicit bids from DBE and WBE companies where possible and available to attempt to meet this provision when applicable.

20. The commitment to make affirmative, good faith efforts to hire personnel, representative of the population of the Charleston community, at all employment levels. The owner will make a commitment to make affirmative, good faith efforts to hire personnel representative of the Charleston community at all employment levels.
71 Wentworth in early 1900’s
71 Wentworth Upon Completion

east west partners
east west partners
STREETVIEW PHOTOS
Agenda Item #B-6

10 LAFAR STREET
(DANIEL ISLAND)
TMS # 271-15-03-005
Request variance from Sec. 54-823 Daniel Island Master Plan zoning regulations to allow an existing garage to be enlarged (garage bay/elevator addition) that increases the total garage footprint of 941sf to 1,205sf (Ordinance limits the footprint to 1,000sf).
Zoned DI-R
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)

City of Charleston

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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 unserved Variance and/or Special Exception approval.

MEETING DATE REQUESTED

Property Address 10 Lafer Street 2731-03-005

Property Owner Ashley Severance Daytime Phone 843-991-7197

Applicant Ashley Severance Daytime Phone 843-991-7197

Applicant’s Mailing Address 10 Lafer Street, Daniel Island SC 29492

E-mail Address Ashley@atlanticprps.com

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

Zoning of property Residential

Information required with application: (check information submitted)
☐ Signed plans or prints, 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 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 Ashley Severance Date 1/1/2023

For office use only
Date application received ____________________________ Fee $ ____________ Time application received ____________
Staffperson ____________________________ Receipt a
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):

The garage footprint is currently 548 SF. The owner would like to add a third bay garage (an additional 230 SF) and elevator shaft (an additional 150 SF) for a total of 150 SF. According to Berkeley County records, the lot at 10 Lafaer Street is 1.28 acres. Although it is a large property, it is odd shaped, making a lot of it unusable. The house is set back and driveway is long, making it difficult for parking cars. There are currently six drivers, seen to be eight at the house.

The third garage bay will allow another home for a car. The Lafaer Street neighbors have been consulted and they are thrilled with this request as it makes the driveway a little less filled with cars (included in this submission are several signed letters of support).

Well known landscape architect, Sheila Perlmutter, has designed a landscape plan to complement this new design. Architectural plans done by Liz Bruce will be kept with the current style of the garage and house.

These conditions do not generally apply to other property in the vicinity because either lots tend to be 1/2 of this site and square, making it easier to build a home with an attached garage or detached 3 car garage.

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

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

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

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

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All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
Agenda Item #B-7

1673 PEARLOTT STREET
(STONO PARK)
TMS # 350-06-00-154

Request variance from Sec. 54-301 to allow a detached accessory building (storage/workshop/porch) with a 17.3-ft. rear setback (25-ft. required).

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

City of Charleston

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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: Feb 16, 2021

Property Address: 123 Peach St. ST.

Property Owner: Hammonds

Applicant: Charles Hammonds

Applicant's Mailing Address: Yes Shaddock, P.O. Box 6121

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

Zoning of property: 

Information required with application (check information submitted)
☐ Sealed 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
☐ Sealed 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 may help Information:
☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

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

Applicant: Charles Hammonds

Date: 2/16/2021

For office use only

Staffperson: $ 5

Time application received: 1-12-2021

Receipt #: 33346
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

**Requesting a 7 1/2" variance to allow for a 17 1/2" backyard: present setback is 25'.**

Please see variance test attachment.

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

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

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (S.C. 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, § 54-306, 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 5, Part 6 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 10, 2021

1673 Pearlott Street

We are seeking to build a new workshop/storage building to replace the current building. (picture included) The current building needs to be replaced as it is 30 years old, rotted and much too small for current needs.

We would like the building to have a front porch—which will make the new structure more complimentary to the existing duplex on site. (picture included) To avoid using most of the common patio area for this porch, we are requesting a 7'9'' backyard variance.

There are several workshops/storage buildings already present in the neighborhood (pictures included). One example is the garage for the property located at 1674 Pinckney Park (picture included), located directly behind our property. This garage is only 6 feet off of the rear property line. Our workshop/storage will be 17'' 3'' from the same property line.

We thank you for your consideration of this request.

Sincerely,

Jeanne and Chuck Hammond
Trustees for Hammond Living Trust dated March 1, 2013
1665 Pearloft St., Shed