City of Charleston

BOARD OF ZONING APPEALS-ZONING

March 1, 2022
5:15 PM

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

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

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

Order on Each Application:

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

Providing Comment:

• People who sign up to speak prior to the 12 noon deadline will be called on when it is your turn to speak and your microphone will be enabled. You may only speak once on each item.
• Your microphone will be disabled after you are finished speaking.
The Board of Zoning Appeals—Zoning has the authority to do three things:

1. Hear appeals to decisions of the Zoning Administrator;

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

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

Requirements for Granting a Variance

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

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

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

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

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

Approval of February 15, 2022 BZA-Z Minutes
https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/_02152022-7253
Agenda Item #A-2

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

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

Zoned SR-5
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

1. Unlike the majority of nearby lots, 15 Before Alley is vacant and does not contain an existing or historic structure.
2. Many of the adjacent existing structures are non-conforming and exceed the lot coverage allowed in the SL-3 zone.
3. The existing lot to the north (S) and to the east contain the use of the site beyond the existing adjacent properties.

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

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

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

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

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

S/19
Deeded Acreage: 0.12 (5227.2 sq.ft.)
Proposed Coverage: 2193.25 sq.ft.
Proposed Lot Coverage: 41.96%
First Floor Plan

Scale: 1" = 1'-0"
Third Floor Plan

Scale: 1" = 1'-0"
Garden Side Elevation

Scale: $\frac{1}{4}" = 1'-0"$
Street Side Elevation

Scale: 1" = 1'-0"
9 Bedons Alley, looking North-West on Bedons Alley
15 Bedons Alley, looking North-West on Bedons Alley
2 ANSON STREET
TMS # 458-05-03-131

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

City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete 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: 

December 7

Property Address: 2 Anson Street Charleston SC

Property Owner: Rainbow Market LLC

Applicant: Stephen Ramos – LS3P Associates

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

E-Mail Address: stephenramos@ls3p.com

Relationship of applicant to owner: representative, prospective buyer, other

Zoning of property: GB

Information required with application (check information submitted):

☐ Scale plans or photos, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show FEMA and elevation certificate(s) (1 set)
☐ Scale floor plan with rooms labeled and the total floor area for each dwelling and lot are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☐ Plans or drawings necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES of NO – is this Property restricted by any recorded covenant that is contrary to, conflicts with or precludes the proposed land use encompassed in the permit application? § 29-11-145 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, 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: Stephen Ramos – LS3P Associates

Date: 11/02/2021

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

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

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

THIS WOULD BE THE 4TH EXTENSION.

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

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401

(843) 724-3181  FAX (843) 724-3172  www.charlestonsc.gov
PROPERTY LOCATION, TMS NUMBER(S), AND DESCRIPTION OF REQUEST(S):
2 ANSON ST. (438-03-00-31)
Request fourth one-year extension of a vested right that expires on December 31, 2021, pursuant to Sec. 34-963. Vested right pertains to a special exception granted under Sec. 34-520 on February 7, 2016 for a 30-unit accommodations use with conditions in a GB-A (General Business-Accommodations) zone district.

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

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

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

Date issued: December 21, 2021

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

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

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

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

Date issued: December 21, 2021

Approval of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Section 34-962. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has elapsed.
Agenda Item #B-2

40-46 N MARKET ST
(ANSONBOROUGH)
TMS # 458-05-03-035

Request fourth one-year extension of a vested right that expires on December 31, 2021, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on February 2, 2016 for a 50-unit accommodations use with conditions and a variance granted from Sec. 54-306 to allow a 3-story building in a GB-A (General Business-Accommodations) zone district.
BZA-Z Application (continued)

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance (if not met) would affect the property. Any explanation of an unserved Variance and/or Special Exception approval is an essential part of this application.

MEETING DATE REQUESTED: December 7

Property Address: 4046 Market Street Charleston, SC 29407

Property Owner: Rainbow Market LLC

Applicant: Stephen Ramos - LS3P Associates

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

E-mail Address: stephenramos@ls3p.com

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

Zoning of property: GB

Information required with application: (check information submitted)
- Scaled plans or plots including elevations showing the variance(s) or special exception(s) being requested (3 sets)
- 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 - If this property is being rented by a tenant or a subtenant, and the tenant or subtenant is required to comply with the variance or special exception

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

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

Date: 11/22/2021

Applicant: 

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, as set forth in Title 54 of the City of Charleston Charter.

Filing an Extension of Previously Approved BZA Special Exception for a 30-Room Inn

This would be the 4th extension

All approvals of the Board shall remain valid for two (2) years from the date of approval, 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 on a period of six (6) months has elapsed.

Department of Planning, Preservation & Sustainability
3 George Street
Charleston, South Carolina 29401
(843) 724-3761 (Fax) 724-3772
www.charleston.sc.gov
PROPERTY LOCATION, TMS NUMBER(S) AND DESCRIPTION OF REQUEST(S):
45-46 N MARKET ST. (456-05-20-0333)

Request for a one-year extension of a vested right that expires on December 31, 2021, pursuant to Sec. 54-
962. Vested right pertains to a special exception granted under Sec. 54-220 on February 7, 2016 for a 50-
unit accommodations use with conditions and a variance granted from Sec. 54-206 to allow a 3-story
building in a GB-A (General Business-Accommodations) zone district.

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

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

Date issued: 12/4/11
Chairman: Michael Peterson

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

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

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

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

Date issued: 12/4/11
Chairman: Michael Peterson

Approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with
the provisions of Sections 54-962. Applicant may not apply for the same request that has been denied by the Board until
a period of six (6) months has elapsed.

1/07
Agenda Item #B-3

8 CLEVELAND STREET
(NORTH CENTRAL)
TMS # 463-15-04-085

Request variance from Sec. 54-301 to allow construction of a single-family residence with a 3-ft. west side setback, a 6-ft. total side setback (9-ft., 15-ft. required).

Request variance from Sec. 54-317 to allow construction of a single-family residence with 1 maneuverable off-street parking space (2 spaces required).

Zoned GB
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-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 unvaried variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

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

MEETING DATE REQUESTED: March 1, 2022

Property Address: 8 Cleveland Street
Property Owner: Charleston Development Company, LLC
Daytime Phone: 843-324-1161
Applicant: Julie O’Connor
American Vernacular, Inc.
Daytime Phone: 843-345-7248

Applicant’s Mailing Address: 151 Shepard Street, Charleston, SC 29403
E-mail Address: julieoconnor@americanvernacular.com
Relationship of applicant to owner (same, representative, prospective buyer, other): Designer

Zoning of property: GB

Information required with application: (check information submitted)
- Scaled plans or photos, showing the variance(s) or special exception(s) being requested (3 sets)
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
- Plans or documents necessary to show compliance with special exception requirements (3 sets)
- Check, credit card or cash (make checks payable to the City of Charleston)
- YES / NO – Is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

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

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

Applicant: Julie O’Connor
Date: 1/27/22

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):
- Requesting a variance to west setback and total setbacks and parking. The lot is 17’ wide, and the total setbacks required by ordinance is 15’. The proposed variance would only extend to the property line. The lot coverage requirements are met at all setbacks and lot coverage requirements. The applicant is proposing to build a single-family residence that meets all other setbacks and lot coverage requirements. We can probably park 2 cars in the front side-by-side, but the lot does not meet the required width of 2 parking spaces of 18’.
- The extraordinary and exceptional conditions are that the lot is only 2’ wider than the required setbacks, is a lot of record, and the setbacks would prevent any development.
- Other properties in the vicinity are either significantly wider or do not meet their setbacks either.

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

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the Zoning Ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
TOTAL LOT SF: 2800 SF
54% LOT COVERAGE 1520 SF.
CURRENT LOT COVERAGE 570 SF.

FIRST FLOOR PLAN

BUILDING SF:
FIRST FLOOR: 1340 SF.
SECOND FLOOR: 484 SF.
TOTAL: 1824 SF.
PORCH: 80 SF.

SCALE 1/4" = 1'-0"
Agenda Item #B-4

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

Request special exception under Sec. 54-110 to allow a 1-story addition (hallway/living room/bedroom/bath/closet) that extends a non-conforming 3-ft. east side setback (9-ft. required).
Request variance from Sec. 54-301 to allow a 1-story addition with an 8.16-ft. rear setback (25-ft. required).
Zoned SR-2
Application for Variance, Special Exception, Reconsideration, or Extension — Zoning (BZ-2)

City of Charleston

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

THE APPLICANT HEREBY REQUESTS:
1. A Variance and/or Special Exception as indicated on page 2 of this application.
2. Reconsideration of a decision of the Board or action of a zoning board/planning commission.
3. Extension of an unexpired Variance and/or Special Exception approval.

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

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

Zoning of property: SR-2

Information required with application: (check information submitted)
☐ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ Plat or drawings necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash payment (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
☐ A 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)

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 public hearing and inspected.

Applicant: Julie O’Connor
Date: 3/2/2022

For office use only
Date application received ____________ Time application received ____________
Signature ____________ Fees $ ____________ Receipt # ____________

EZA-Z Application (continued)

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

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

The existing house is quite small — only 1100 sf. The addition is modest at only 500 sf. Ms. VanGuilder has taken to her elderly mother to live with her and needs the extra space. Many other properties in the vicinity include similar rear setbacks and have structures close to the rear property lines. Clearly, these houses were built prior to the establishment of these setbacks. It is important to Ms. VanGuilder that her property has a dissolved space to the main house for safety and long-term care reasons. A second floor is not an option due to the condition of her house. On the other hand, there will be no detriment to the neighbors or the neighborhood as a detached structure would be allowed to sit in this spot. The only difference is the attachment to the house. We have seen it as a typification to mimic the existing.

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

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

For Special Exception requests, applicants should list the specific 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 8, Article 9, or Article 10. (add as an attachment if necessary)

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

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

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401 (843) 724-7581 www.charleston.gov/zoning 5/19
SOUTH ELEVATION - AS BUILT

SOUTH ELEVATION - PROPOSED
Hi Peneye - see below from abutting neighbors at 56 Cypress!

Julie O'Connor
American Vernacular
43-856-4818
www.americavernacular.com
Sent from my iPhone

Begin forwarded message:

From: Sean Coughlin <scoughlin@fishtailstreet.com>
Date: February 18, 2022 at 5:19:20 PM EST
To: Julie O'Connor <julieoconnor@mac.com>
Cc: Rachel Coughlin <rachelc27@msn.com>, Kristin VanGuilder <kvilkin@gmail.com>
Subject: Re: Variances

Hi Julie,

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

Sean & Rachel Coughlin

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

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

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

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

Please do ask more questions if you have them.

Thanks!

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

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

Zoned MU-2/WH
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 as defined in the Zoning Ordinance.
2. These conditions do not generally apply to other property in the vicinity.
3. Because of the conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-400)

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

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

REQUEST SPECIAL EXCEPTION UNDER SEC. 54-206(1) TO EXTEND EXISTING LATE NIGHT ENTERTAINMENT

ESTABLISHMENT APPROVAL TO NEW OUTDOOR PATRON USE AREA (1220SF)

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

BZA-Z PARKING SPECIAL EXCEPTION
& LATE OPENING SUBMITTAL
03.01.2022

synchronicity
land + architecture
PROXIMITY TO RESIDENTIAL ZONING

THE ESTABLISHMENT IS REQUESTING A SPECIAL EXCEPTION TO EXTEND ON-PREMISE CONSUMPTION OF ALCOHOL AFTER MIDNIGHT.

THERE ARE TWO RESIDENTIAL ZONING DISTRICT (DR-2) WITHIN 500' OF THE SITE.

THE ESTABLISHMENT IS WITHIN A SITE ZONED MU-2MH (MIXED USE 2WORKFORCE HOUSING).
GARBAGE, RECYCLING, MAINTENANCE EQUIPMENT & SUPPLIES

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

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

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

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

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

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

THE CLOSEST RESIDENTIAL AREA IS TO THE SOUTH-WEST, JUST OVER 225 AWAY FROM THE REAR OF THE ESTABLISHMENT. NEITHER RESIDENTIAL AREA HAS NO LINE-OF-SIGHT TO THE ESTABLISHMENT AND NOISE FROM THE PROPOSED REAR COURTYARD WILL BE BLOCKED BY MULTI-STORY STRUCTURES ON BOTH SIDES OF KING STREET.

PARKING IN ADJOINING RESIDENTIAL DISTRICTS

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

APPROVAL WILL NOT CHANGE CONCENTRATION OF ESTABLISHMENTS OF THE SAME KIND IN THIS BLOCK.

PERCENTAGE OF ESTABLISHMENTS OF THE SAME KIND

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

AGGREGATE OCCUPANCY OF ESTABLISHMENTS OF THE SAME KIND

AGGREGATE OCCUPANT LOAD OF ESTABLISHMENTS OF THE SAME KIND WITHIN BLOCK ARE CURRENTLY NOT LESS THAN 930. APPROVAL WILL NOT CHANGE THE AGGREGATE OCCUPANCY OF ESTABLISHMENTS OF THE SAME KIND.

INDIVIDUAL OCCUPANCY OF ESTABLISHMENTS OF THE SAME KIND

ESTABLISHMENTS OF THE SAME KIND WITHIN BLOCK INDIVIDUAL OCCUPANT LOADS ARE CURRENTLY NOT LESS THAN 300. APPROVAL WILL NOT CHANGE THE INDIVIDUAL OCCUPANCY OF THE SUBJECT PROPERTY (150 OCCUPANTS).

LATE NIGHT USES WITHIN 175' OF PROPERTY:

"OCCUPANT LOADS PER CITY ZONING RECORDS"

SUBJECT PROPERTY: EL JIEFE ("150 OCCUPANTS")

1. STARS (495 KING ST) ("465 OCCUPANTS")
2. MARIO'S ITALIAN RISTORANTE (487 KING ST) ("49 OCCUPANTS")
3. MAYA (479 KING ST) ("142 OCCUPANTS")
4. COCKTAIL CLUB (479 KING ST) ("142 OCCUPANTS")
5. CHARLESTON BEERWORKS (480 KING ST) ("193 OCCUPANTS")
6. SILVER DOLLAR (478 KING ST) ("210 OCCUPANTS")
7. THE RAREBIT (474 KING ST) ("194 OCCUPANTS")
8. REPUBLIC (462 KING ST) ("318 OCCUPANTS")
PARKING SUMMARY

The establishment is requesting a special exception for 18 parking spaces to allow continued use of outdoor patron area.

The property does not contain area for sufficient off-street parking.

There is no available surface parking suitable for zoning compliance (long-term lease of at least 10 years) within 400’.
February 18, 2022

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

Dear Mr. Batchelder:

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

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

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

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

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

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

Yours truly,

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

cc: Kevin Crumley, Synchronicity, kevin@synchronicity.design
    Luke Jarrett, Synchronicity, luke@synchronicity.design
    Robert Mitchell, Councilman, mitchellr@charleston-sc.gov
    Penny For Ashley, Senior Zoning Planner, ashleyw@charleston-sc.gov
    MWNA Board & Fred Willis
Request special exception under Sec. 54-110 to allow a vertical extension, 2nd story addition (bathroom/laundry area) to a non-conforming building footprint that does not meet the required 3-ft. north side setback and 3-ft. rear setback.

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

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

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

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to prevent substantially any conditions that are found in the surrounding area to promote the public health, safety, or general welfare. (S.C. Code of Laws 6-29-800)

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

We are requesting a special exception to allow a second story addition to be constructed over an existing one-story structure on the East side of the existing residence. The existing one-story portion of the home has a non-conforming setback of 20' on the East side (required) and 20' on the South side. The existing lot coverage will remain unchanged. We will also be requesting to relocate the existing HVAC unit to the roof of the new expanded second story area when submitted to the Board.

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.
08 February 2022

Section 54-110: (f)

The special exception request for the vertical extension of the non-conforming one-story areas on the North and East side of the property will not change the use of the property from a current use as singlefamily residential. The extension at the second floor will house only a bathroom for an existing bedroom. The current East walls of the house are already devoid of any windows, so the new second floor addition will maintain that situation as it relates to light and air. The addition is also not as wide as the existing house and is a minimal extension vertically above a wall that already is in existence. Due to proximity to the property lines, these new walls will be fire-rated, including retroactively treating the existing walls to be fire-rated if necessary. As part of this application, the brac unit at the ground level is also proposed to be relocated to the roof of the second floor (pending B&G approval), so the impact of that unit to the directly adjacent neighbors also will be greatly minimized.
Agenda Item #B-7

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

Request variance from Sec. 54-301 to allow an 8-ft. fence to rear and side property lines (6-ft. height limitation).
Zoned SR-1
BZA-Z Application (continued)

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

Request variance Sec. 54-30 to allow construction of 8 ft fence and gate to rear and portions of side property line (6 ft limitation). The side property on the east is shared with 2410 Sylvan Shores Drive (301-05-00-050) which shares a dusk to dawn light in our bedroom window. This light is the equivalent of a 300 watt quarts light which shines all night, every night approximately 35 feet from our bedroom windows. The 8 ft fence is needed to reduce the light and add privacy from their vehicles being parked between the two residences.

Further details are attached here.

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

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

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

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

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All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
Variance Test#1
There are extraordinary and exceptional conditions pertaining to the particular piece of property;
Response – Yes, extraordinary and exceptional conditions exist

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

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

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

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

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

Variance Test#3
Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
Response – Yes, the conditions unreasonably restrict the utilization of the property

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

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

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

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

Picture 3
Shows light coming from neighbor

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

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

Mr Silver

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

If you have any additional questions please let us know

Brian Keirnan
ACRC-Chair
843-302-1776

Sent from my iPhone