City of Charleston

BOARD OF ZONING APPEALS-ZONING

March 15, 2022
5:15 PM

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

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

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

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

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

Go to www.charleston-sc.gov/bza-z for instructions to join. Call (843) 724-3770 if you are experiencing technical difficulties.
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 March 1, 2022 BZA-Z Minutes

https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/_03012022-7285
Agenda Item #A-2

262 CAPTAIN GODDARD ROAD
DANIEL ISLAND
TMS # 276-02-02-048

Request variance from Sec. 54-263 Daniel Island PUD Master Plan zoning regulations to allow a bridge to encroach up to 5-ft. into a 10-ft. visual buffer zone setback. Bridge is for vehicle access to a proposed single-family residence.
Zoned DI-RI
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):

**Attached**

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):

**Attached**

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

Department of Planning, Preservation & Sustainability
2 George Street
Charleston, South Carolina 29401
(843) 724-5781 www.charleston-sc.gov/zoning

5/19
December 16, 2021
To: Board of Zoning Appeals - Zoning
From: Remark Studio Landscape Architects
Project: 262 Captain Goddard Road

Description of Work: Variance Request

We are requesting a variance for the bridge encroachment into the VBZ Setback located at 262 Captain Island Road. This 1.8 acre property surrounded on 3 out of 4 sides by marsh poses unique environmental and developmental challenges that can only be found on this property within Captains Island.

This specific lot offers extended and unique views of the marsh which cannot be duplicated anywhere else on Captains Island. The lot takes on the characteristic of an “Island”, offering extended views that are most noticeable at the back portion of this lot. This area also poses the biggest challenge. The average elevation of (4.5) four and a half feet to (5) five feet high causes two thirds of this property to be below the high tide elevation. This area or “Island” portion of the lot is connected by a narrow strip of land that is made to be smaller due to the location of visual buffer zones, OCRM Buffers, and setbacks. Due to these buffer areas and the restrictive covenants set in place as a mitigation too to develop Captains Island, these measures are directly affecting the owners overall use, access, and enjoyment of this special lot. Due to its unique location, the development of this lot as whole will not affect adjacent property.

Thank you for your time and consideration for approval of this variance request.

Sincerely,

Remark Studio
Existing Site Images

Photo documentation on site of Charleston
King Tide taken on November 7, 2021.

ISELIN
262 Captian Goddard Road | Daniel Island, SC | December 18, 2021
Site Constraints Mapping

CONTEX MAP:
The property address of the above lot is 262 Captain Goddard Road and is 1.8 acres. This lot is located on Daniels Island and any development of this lot must be reviewed and approved by the DARB. Due to its proximity to the adjacent surrounding marsh this property is unlock any other lot that is adjacent.

The Captains Island restrictive covenants was created as guidelines to promote the development of Captains Island but has only made the development of this lot impossible.

TOPO MAP:
The average elevation of the site is +/-4.5', which currently makes it extremely susceptible to minor flooding from rain events. It is imperative that this lot be manipulated and raised to an elevation that encourages less flooding to allow for a safe environment for users.

The Captains Island restrictive covenants strictly prohibit the use of any fill on the island. This lot is a prime example on why a variance to the restrictive covenants is necessary.

WETLANDS MAP:
Marshland, wetlands, and native plants surround this lot on 3 out of 4 sides. The makes development on it very challenging, making sure that no construction impacts any of the freshwater wetlands.

Any indirect impact to the wetlands would be immediately restored to it native state to provide a native habitat as it was intended to be.

FLOOD MAP:
Since the average elevation of this site is between 4'-5', any major flooding events will completely engulf the property. It is imperative to raise the elevation of the lot to make any major flooding events less damaging to the proposed development within this lot of Captains Island.
Ashby, Penny

To:                Batchelder, Lee
Cc:                Jane Baker; Carson Jackson; Ashby, Penny
Subject:           FB022.262 Captain Goddard Road variance request
Attachments:       BZA Variance Boards - 22.02.08 (3).pdf

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

Lee,

The ARB supports the concept of a variance for the encroachment into the 10' Visual Buffer Zone setback for the bridge per the attached.

The ARB has not reviewed nor approved any of the other modifications or improvements proposed on this lot or on the attached plans including, but not limited to, architectural, site, landscape, grading, and drainage plans.

The ARB’s support of this variance does not alleviate the owners’ responsibility to obtain approvals from any and all agencies that have jurisdiction over this property.

Please let me know if you have any questions or need any additional information.

Sincerely,
Mary Stuart

Mary Stuart Sutton
Architectural Review Board Administrator
Daniel Island Property Owners’ Association
130 River Landing Drive, SC
Charleston, SC 29492
Attn: (843) 585-5122
Fax: (843) 585-1378
MaryStuart.Sutton@Discommunity.org
www.Discommunity.org
www.Dislandforums.com

The office at 130 River Landing Suite 3-C will be staffed Monday-Thursday from 9:30 AM – 3:30 PM. The POA has a hybrid office staffing schedule and not all staff members are in the office daily but all are available by phone or email Monday – Friday, 8:20AM - 4:30PM.

*Plans being submitted for an ARB new construction review meeting should be emailed to: ARB@Discommunity.org. Submittals must be complete and must be received by the deadline date and time to be placed on the ARB agenda.
Agenda Item #B-1

1 SIMONS STREET
(NORTH CENTRAL)
TMS # 463-12-03-120

Request use variance from Sec. 54-203 to allow a storage and repair facility for pedicabs/bikes in a DR-2F (Diverse-Residential) zone district.
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 will 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 of a zoning official (attach Appeal Form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: March 15th, 2022
Property Address: 1 Simmons Street, Charleston, SC 29403
TMS #: 4631203120

Property Owner: Simmons LLC
Daytime Phone: 843-514-8844

Applicant: Palmetto Bike Cab
Daytime Phone: 843-276-7342

Applicant’s Mailing Address: 69 Cypress St, Charleston, SC 29405
E-mail Address: rvscidb60@gmail.com

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

Zoning of property: DR-2F

Information required with application: [check information submitted]
☐ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show 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 occupied 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 described 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: Zachary Yoczeli
Date: Sunday, Feb 13th

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):

See Subsequent Documents

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, in such conditions, regard the location, character, or other features of the proposed building structure, or use as the board may consider advisable to promote public health, safety, or general welfare. (SC Code of Laws § 6-29-400)

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

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401
(843) 724-3781 www.charleston-sc.gov/zoning
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property:

Extraordinary and exceptional conditions pertain to this particular property because it is a commercial building falling within residential zoning. Located in a diverse, changing neighborhood with many stakeholders, 1 Simmons is a property abutting to government infrastructure, primary residences, residential LLCs, and a GB zoned hardware store. Nearby properties are owned by primary residents, religious associations, government agencies, and greater commercial interests. Previous city maps from 1998 and 1974 indicate the building was commercial in nature, allowing for much greater use, however, current zoning has relegated this structure to sit, practically unusable.

Additional extraordinary circumstances are clear because of the proposed plans for the area; a park, the Lowcountry Lowline, will run adjacent to this property, bringing an influx of traffic, pedestrian infrastructure, and general change. Current design guidelines for the Lowline label this area as "The Columns," and according to site plans, "a community market, neighborhood pocket parks" and a "multi-use path" are going to be built. Additionally, it should be noted that the city's People Pedestrian Plan calling for an Urban Bikeway Network runs adjacent to this property on the streets, King Street, and the aforementioned lowline park. These circumstances are important in considering because the proposed variance allowing for pedicab storage would be conducive to the transformational changes proposed by the city's current plans. Pedicab storage and a bicycle-oriented business would improve upon the city's proposal, providing access, use, and, as outlined in our assurances and operating agreement with the North Central Neighborhood Association, low-cost bike maintenance for residents.

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

1 Simmons Street directly abuts seven zoned properties and an elevated highway under which the city is actively seeking to build a public park, the Lowline. The elevated highway is the largest abutment. Six of the abutting properties, located on the backside of the building and out of sight of the unit in question, are zoned DR-1F. One property abutting is zoned General Business and faces no such restrictions. On the other side of the Street are 11 DR-2F properties.

While some residential properties in the area are able to function as businesses because they are zoned GB, this commercial building is unable to function properly (and be used for most commercial purposes) because it is zoned DR-1F. The corner lot is the only commercial building in a residential plat, and the limitations currently imposed are not applicable to other properties in the area. One abutting property, that is clearly similar, is zoned GB because its frontage is along King Street. Other nearby properties of similar stature and structure, located along the nearby Meeting and King streets, are also zoned GB. Lastly, one vacant property directly across Romney Street and abutting the highway is zoned for General Business. These inconsistencies reveal a pattern that 1 Simmons fails to fit within.

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.

Under the city's current zoning code, this property is under-utilized. The current design of the unit, a ground floor garage space facing a common courtyard, is not suitable for residential inhabitants. City Code Section 7-28 indicates that "The International Residential Code, 20XX Edition" is the approved standard for residences in the County. This building, while suitable for residential dwellings, and therefore, it's use should not be restricted by its residential zoning.

Sections 501.1, 602, and 605.2 of The International Residential Code are all of relevance; this unit's failure to comply with these residential standards reveal the considerable work that would be required to gain compliance for inhabitation under the current DR-1F designation. Arduous construction lasting weeks, or potentially, because of current supply chain issues, months would place a large burden on the property owner, tenants, and residents in the immediate vicinity.

The construction necessary would impact site to the property, structure and curtailage. Additionally, these changes might very well be deemed detrimental to the neighborhood because the construction of multi-family units on this block would likely lead to additional congestion, and, as evidenced by the development on the opposite side of the street, the necessary construction of a new roadway.

Based on the reasons outlined herein, the current zoning is unreasonable and fully restricts the utilization of this 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.

We value community input and canvassing the neighborhood, we received ample support from the people and property owners in the immediate vicinity. Attached letters represent support from the properties that would have the largest potential for grievance. However, these property owners and the neighborhood, in general, overwhelmingly supported the development of bicycle-friendly infrastructure. Excited residents approved of our presence and showed support for this variance, and the city should see this as a positive step as well.

Our site plan maximizes the utility of the current structure. The request requires no construction nor additional lighting. With ample indoor storage, the variance will not lead to visual blight or unsettling views. Providing access to the roadway as well as the proposed lowline, 1 Simmons Street affords a pedicab the unique opportunities only allowed via that method of transportation. The (at most) six pedicabs will travel quietly out of the building each night at approximately 6:00 PM (as outlined by city ordinance 10-462). On weekdays, these pedicabs will gently return following the path of the lowline and entering the building around midnight. On weekends, despite coming in later, generally just past 10:00 PM, they will still be returning. Additional consideration should be made because there is an accessible door directly on the proposed lowline, and using these doors, residents would see no changes to their current status.
Noise interference, particularly at late hours, can be of great public concern. In canvassing the neighborhood and preparing for this variance, a decibel meter was used to measure the ambient noise at the terminus of Simons Street. Using a one-minute average to smooth out any inconsistencies, we found the ambient noise level to be around 72 decibels. Measurements were taken at varying times of the day to obtain this average. By comparison, the movement of the pedicabs was also measured. Those measurements, taken within standing distances, showed the decibel level to average around 55 decibels. These measurements, taken while riding the pedicab, definitively show that the noise created by our presence will be negligible as these bikes operate at a lower decibel level than the surrounding traffic. Furthermore, as outlined by Section 19-471, it is impermissible to operate a pedicab with music produced by any mechanical sound device. Consequently, the noise emanating from this transportation business will be limited in scope and inherently quiet.

Another question that needs to be addressed is the presence of customers and additional traffic. The proposed variance would allow for this building to act as a pedicab storage facility. No customers associated with our transportation business would be routed to the area. Individual business occurring at this property would be limited to office and indoor mechanic work happening during daytime. Operating occupancy would be, at most, six individuals. As per our agreement with the North Central Neighborhood Association, our facility would be open a limited number of hours to provide the community with low-cost bike maintenance. However, this would occur indoors during daytime hours. At night, our operations in the building would be limited to checking in and checking out, a short process requiring basic safety checks and accounting procedures.

Parking is a concern of the public good, and street parking is in limited supply around 1 Simons. Additionally, with ample traffic created by religious events in the immediate area, influxes of cars occur on a regular basis. With this much traffic, it is imperative that our operation not bring additional parking demands to the area. Fortunately, the property, a 0.4 acre lot measuring 17,145 square feet, is large enough to suit our parking needs. Section 54-299.32-4(b) outlines the incentives for bike transportation in lieu of parking consideration. Our space would be fully suited to house the bikes for our employees. In the event that the board disagrees with this assessment, it is worth understanding the minimal impact of our business. Our operation consists of five employees; two of whom live 3 and 1.8 miles away. Although we intend on biking to work each day, the property is large enough to accommodate our parking if it were needed. The building, a 7,740 square foot warehouse, occupies approximately 45% of the lot. This leaves over 10,000 square feet of on-premises parking. Article 3 Sec 54-317 identifies the minimum number of spaces for different buildings, and a mini-warehouse or self-storage facility requires 1 space per 6,000 square feet. The map included allows for thirteen parking spaces, well-above the required amounts, without interfering with building or property egress.

Additionally, it should be noted that Section 9.3.4 allowing for shared parking should apply based on the drastically differing "operational characteristics" and lack of overlap in operating hours of the businesses and other tenants in the building. Finally, although not legally binding, it is worth noting that the nature of this business, an alternative transportation company utilizing pedicabs, is specifically designed to mitigate the need for car-based transportation. By allowing this variance, the city would demonstrate a greater commitment towards its stated goals of increasing bicycle-infrastructure as well as making good on its promises as stated in the May 2021 Climate Action Plan. In that document, the city makes explicit efforts to "advocate for multi-modal transportation and specifically humanize people traveling on bike" (p 16). Additionally, the document expresses a desire to 'support and incentivize locally held businesses which enhance community vibrancy by promoting compact, mixed-use development and pedestrian-and bike friendly neighborhoods' (p 8). We strongly believe our plan fits within these stated goals, and the zoning board's support in this matter would go a long way towards progress.

Lastly, although our plan is to use the space for commercial purposes, the primary use of this building would be storage. Storage in residential properties is allowed if certain conditions are met, and in using this building, our company would comply with these regulations: all storage would be occurring indoors and out of sight of the common roadway.
City Property Classification
County Property Classification

<table>
<thead>
<tr>
<th>Parcel Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
</tr>
<tr>
<td>1 Simons St</td>
</tr>
<tr>
<td>Charleston, SC 29403</td>
</tr>
<tr>
<td>Carrier Code</td>
</tr>
<tr>
<td>C027</td>
</tr>
<tr>
<td>Census Tract</td>
</tr>
<tr>
<td>0053001001</td>
</tr>
<tr>
<td>Depth</td>
</tr>
<tr>
<td>135 ft</td>
</tr>
<tr>
<td>Frontage</td>
</tr>
<tr>
<td>129 ft</td>
</tr>
<tr>
<td>Area</td>
</tr>
<tr>
<td>17,415 sq ft (0.4 acres)</td>
</tr>
<tr>
<td>Buildings</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>Land Use Category</td>
</tr>
<tr>
<td>Commercial (Regional Distribution Warehouse)</td>
</tr>
<tr>
<td>County</td>
</tr>
<tr>
<td>Charleston</td>
</tr>
<tr>
<td>Subdivision</td>
</tr>
<tr>
<td>Simons</td>
</tr>
<tr>
<td>Municipality</td>
</tr>
<tr>
<td>City Of Charleston</td>
</tr>
</tbody>
</table>
January 31, 2022

Re: 1 Simons Street (Pedicab Storage) – Palmetto Bike Cab

Dear Mr. Zac Viscidi:

Board members of North Central Neighborhood Association, have reviewed the numerous letters of support from business owners and community members. The support garnished expresses the need for the above address to be used as a storage unit for your bikes. You have shared your vision of 1 Simons Street with me to be used as a storage and repair facility for the pedicabs. We appreciate the letters of support from community stakeholders and your commitment to offer bike repair services to the North Central residents and surrounding communities. We understand that once the low line is installed, the mode of transportation to bikes will be greatly needed.

Should you and your business partners develop the use of 1 Simons Street, North Central Neighborhood Association, respectively ask that the owners reach out to us to discuss new developments. Please accept this letter of support for 1 Simons Street space being used as a storage facility for your bikes/ pedicabs.

Thank you for your service to the community.

Best Regards,

Loyola Bryant-Jenkins
President, North Central Neighborhood Association

January 10, 2022

To Whom It May Concern,

On behalf of the Friends of the Lowcountry Lowline, I am writing to support the allowance of the zoning variance to the property at 1 Simons Street. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, we support allowing this building/space to operate as a pedicab storage facility. With its close proximity to the future Lowline, we do not be disruptive or detrimental to the neighborhood and would only fit with our goal of promoting a bike and pedestrian friendly community.

We look forward to continuing our partnerships with local businesses within the community and are excited to see the future of both our projects come to life. Please let us know if you have any questions.

Best Regards,

Tom Bradford

Tom Bradford
Co-Chairman of the Board of Directors
Friends of the Lowcountry Lowline
1629 Meeting Street, Suite A
Charleston, SC 29405
info@lowcountrylowline.org
Subject: Thank You
Date: 1/18/2022 4:16:13 PM Eastern Standard Time
From: aviscid06@gmail.com
To: hjfinucan@aol.com

Happy, it was a pleasure talking to you on the phone.

As I mentioned on the phone, I am one of the partners involved with Palmetto Bike Cab, a bike-based transportation company attempting to operate on the peninsula. Currently, we have targeted 1 Simons Street as our ideal base of operation. However, the property is zoned DR-2F which is diverse residential zoning. The property, however, is a warehouse and suitable for our purposes, but we need to gather support from the community and local property owners.

In discussions with primary residents, we have stressed our community efforts which include low-cost bike repair, our minimal impact to the area, and transportation efficiency. We have also discussed how this business, located along the planned Lowlane, would work hand-in-hand to improve the area's bike infrastructure. We have gained the support of a majority of residents in the immediate vicinity and almost all the direct property abutters.

In conversations with LLCs, we have pointed to the restrictive zoning law which prohibits almost anything from going into the building. We also believe a community-oriented bike company would improve how the neighborhood is viewed, improving property values and desirability.

I can address any concerns that you have, but the most common questions have been the following:

Are you going to be doing construction?
---No, the building will remain untouched. We will be using the interior as a storage facility for our pedicabs.

Will there be increased traffic to the neighborhood?
---Our company consists of four employees. Two live within a few blocks of the building and will be biking to work. The other two will be using our parking spots located on the .4 acre property. Customer traffic will not be routed to the area as business will not be occurring there. Instead, it would be occurring at our pick-up and drop-off points (as a taxi).

We have been sharing the following form letter, and most have just filled in the blanks on it:

HARRY JAMES FINUCAN

To Whom It May Concern,

My name is and I am the owner of in the North Central Neighborhood. I am writing in support of the zoning variance to the property at 1 Simons Street. I support Palmetto Bike Cab using this space to operate as a pedicab storage facility. I do not believe there would be any detrimental impact to the neighborhood.

HARRY JAMES FINUCAN 1/31/2022

Again, thank you for your time, and if you have any other questions or concerns, my phone number is 781-718-4301, and I would be happy to walk you through other aspects of our business or anything else that is needed.
My name is Whitney Wernsing and I am the owner of the property at 9 Poplar St, Charleston SC, 29403. I am signing this letter acknowledging my support for the allowance of the zoning variance at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a Pedicab Storage Facility would not be disruptive or detrimental to the neighborhood.

Printed Name: Whitney Wernsing
Signature: ______________________
Date: 1-13-22

My name is Libba Oliver and I am the owner of the property at 11 Poplar St. I am signing this letter acknowledging my support for the allowance of the zoning variance at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a Pedicab Storage Facility would not be disruptive or detrimental to the neighborhood.

Printed Name: Elizabeth C. Oliver
Signature: ______________________
Date: January 13, 2022
My name is Alice Wiggins and I am the owner of the property at 12 Poplar St. I am signing this letter acknowledging my support for the allowance of the zoning variance at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a Pedicab Storage Facility would not be disruptive or detrimental to the neighborhood.

Printed Name: Alice Wiggins
Signature: [Signature]
Date: 1/13/22

My name is Simon Smith and I am the owner of the property at 16 Poplar St. I am signing this letter acknowledging my support for the allowance of the zoning variance at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a Pedicab Storage Facility would not be disruptive or detrimental to the neighborhood.

Printed Name: Simon Smith
Signature: [Signature]
Date: 1/13/22
My name is **Alexandra Lewis** and I am the owner of the property at **17 poplar street**. I am signing this letter acknowledging my support for the allowance of the zoning variance at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a Pedicab Storage Facility would not be disruptive or detrimental to the neighborhood.

Printed Name **Alexandra Lewis**

Signature **Alexandra Lewis**

Date **January 12, 2022**

My name is **Brian Byrne** and I am the owner of the property at **11 poplar street**. I am signing this letter acknowledging my support for the allowance of the zoning variance at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a Pedicab Storage Facility would not be disruptive or detrimental to the neighborhood.

Printed Name **Brian Byrne**

Signature **Brian Byrne**

Date **1/12/22**
January 14, 2022

To Whom It May Concern,

My name is Megan Mills and I am the owner of 37 Poplar Street in the North Central Neighborhood. I am writing in support for the allowance of the zoning variance to the property at 1 Simons Street. I support Palmetto Bike Cab using this space to operate as a pedicab storage facility. I do not believe this would be disruptive or detrimental to the neighborhood and would fit into the space nicely. I urge to approve the request from Palmetto Bike Cab.

Thank you for your consideration.

Best Regards,

Megan Mills

Megan Mills
37 Poplar Street
Charleston, SC 29403
To Whom It May Concern,

My name is [Name Redacted] and I am the owner/occupant of 110 King St. I am signing this letter acknowledging my support for the allowance of the zoning variance to the property at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a pedicab storage facility would not be disruptive or detrimental to the neighborhood.

My name is [Name Redacted] and I am the owner of the property at 2nd Simons St. I am signing this letter acknowledging my support for the allowance of the zoning variance at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a Pedicab Storage Facility would not be disruptive or detrimental to the neighborhood.

Printed Name: [Name Redacted]
Signature: [Signature]
Date: 1/3/2022
To Whom It May Concern,

My name is [Name], and I am the owner/occupant of [Address]. I am signing this letter acknowledging my support for the allowance of the zoning variance to the property at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a pedicab storage facility would not be disruptive or detrimental to the neighborhood.

[Signature]

To Whom It May Concern,

My name is Mark Rinaldi, and I am the owner/occupant of [Address]. I am signing this letter acknowledging my support for the allowance of the zoning variance to the property at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a pedicab storage facility would not be disruptive or detrimental to the neighborhood.

[Signature]
To Whom It May Concern,

My name is [Name] and I am the owner/occupant of [Address]. I am signing this letter acknowledging my support for the allowance of the zoning variance to the property at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a pedicab storage facility would not be disruptive or detrimental to the neighborhood.

[Signature]

To Whom It May Concern,

My name is [Name] and I am the owner/occupant of [Address]. I am signing this letter acknowledging my support for the allowance of the zoning variance to the property at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a pedicab storage facility would not be disruptive or detrimental to the neighborhood.

[Signature]
To Whom It May Concern,

My name is [Redacted] and I am the owner of 21 Simons St in the North Central Neighborhood. I am writing in support of the zoning variance to the property at 21 Simons Street. I support Palmetto Bike Cab using this space to operate as a pedicab storage facility. I do not believe there would be any detrimental impact to the neighborhood.

January 21st 2020
Bryan Young
678-793-0025

[Signature]

To Whom It May Concern,

My name is [Redacted] and I am the owner/occupant of 21 Simons St. I am signing this letter acknowledging my support for the allowance of the zoning variance to the property at 21 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a pedicab storage facility would not be disruptive or detrimental to the neighborhood.

[Signature]
My name is **Veronica Smith** and I am the owner of the property at **3 Fields Pl**. I am signing this letter acknowledging my support for the allowance of the zoning variance at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a Pedicab Storage Facility would not be disruptive or detrimental to the neighborhood.

**Printed Name**  Veronica Smith  
**Signature**  
**Date**  1/13/21

My name is **Taylor Black** and I am the owner of the property at **7 Fields Pl**. I am signing this letter acknowledging my support for the allowance of the zoning variance at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a Pedicab Storage Facility would not be disruptive or detrimental to the neighborhood.

**Printed Name**  Taylor Black  
**Signature**  
**Date**  1/13/21
My name is Caroline Barker and I am the owner of the property at 10 Fields Place. I am signing this letter acknowledging my support for the allowance of the zoning variance at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a Pedicab Storage Facility would not be disruptive or detrimental to the neighborhood.

Printed Name: Caroline Barker
Signature: Caroline Barker
Date: 1/13/2022

My name is Kamal Mohamed and I am the owner of the property at 1082 King St. I am signing this letter acknowledging my support for the allowance of the zoning variance at 1 Simons St. Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a Pedicab Storage Facility would not be disruptive or detrimental to the neighborhood.

Printed Name: Kamal Mohamed
Signature: Kamal Mohamed
Date: 01-26-22

Zivadhi O6@gmail.com
781-718-4394
TO: The North Central Neighborhood Association
FROM: Jack Rabinowitz Sicilian, LLC
PROPERTY OWNED: 113 ROMNEY STREET, 111 ROMNEY STREET, 1
BRIGADE COURT, 709 MEETING STREET, 72 CEDAR STREET, 2123 MONTFORD
AVENUE, & 2125 MONTFORD AVENUE
DATE: January 31, 2022
RE: 1 Simons Street

We Support the Zoning Variance for 1 Simons Street

We have spoken to the owners of the Palmetto Bike Cab and we welcome them to our neighborhood.

The 1 Simons Street property has housed Clemson University in the past. They operated a wood shop and fabrication center there for years.

A Pedicab Storage Facility at 1 Simons Street would be consistent with the past use and history of that property.

Thanks for your consideration,

M.H. Rabin

TO: The North Central Neighborhood Association
FROM: Roybinco, LLC
PROPERTY OWNED: 10 Conroy Street
DATE: January 31, 2022
RE: 1 Simons Street

We Support the Zoning Variance for 1 Simons Street

We have spoken to the owners of the Palmetto Bike Cab and we welcome them to our neighborhood.

The 1 Simons Street property has housed Clemson University in the past. They operated a wood shop and fabrication center there for years.

A Pedicab Storage Facility at 1 Simons Street would be consistent with the past use and history of that property.

Thanks for your consideration,

M.H. Rabin
TO: The North Central Neighborhood Association  
FROM: 437 King Street, LLC  
PROPERTY OWNED: 111 Romrey Street  
DATE: January 31, 2022  
RE: 1 Simons Street

**We Support the Zoning Variance for 1 Simons Street**

We have spoken to the owners of the Palmetto Bike Cab and we welcome them to our neighborhood.

The 1 Simons Street property has housed Clemson University in the past. They operated a wood shop and fabrication center there for years.

A Pedicab Storage Facility at 1 Simons Street would be consistent with the past use and history of that property.

Thanks for your consideration.

M.H. Rabin

My name is **William Brown** and I am the owner of the property at **122 Roane St**.

I am signing this letter acknowledging my support for the allowance of the zoning variance at 1 Simons St.

Currently, the neighborhood is zoned for light residential, and in discussing the issue with the owners of Palmetto Bike Cab, I believe that allowing the space in my neighborhood to operate as a Pedicab Storage Facility would not be disruptive or detrimental to the neighborhood.

Printed Name: **William Brown**

Signature: **[Signature]**

Date: **1-13-22**
Agenda Item #B-2

54 LINE STREET
(CANNONBOROUGH/ELLIOTBOROUGH)
TMS # 460-04-04-030

Request special exception under Sec. 54-207 1 (e) to allow an existing tower to be relocated from (52 Line St.); proposed location for tower is visible from a property listed in the National Register of Historic Places.

Zoned Li
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.
☐ Reclassification 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 15, 2022
Property Address: 54 Lime St., Charleston, SC 29403
Property Owner: King Street Building Associates
Daytime Phone: (843) 414-1754
Applicant: Jonathan L. Yates
Daytime Phone: (843) 813-5010
Applicant’s Mailing Address: Hallman & Yates, PA 105 Broad St., 3rd Floor, Charleston, SC 29401
E-mail Address: jo@hallmanyates.com

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

Zoning of property: LI

Information required with application: [check information submitted]
☐ Sited plans or data, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ Sited plans or data, 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 ☐ NO – Is this property restricted by any recorded covenant that is contrary to the variances or special exceptions as provided? § 6-29-1145 of the South Carolina Code of Laws

I certify that the information in this application and any attachments is correct, that the proposed improvements comply with all conditions of the variances or special exceptions as provided, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant: [Signature]
Date: 2/24/22

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the variances or special exception requirements of the Zoning Ordinance, such as § 54-110., § 54-206, or sections in Article 7, added 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.
The project is an unmanned telecommunications facility consisting of a proposed 112 foot Stealth concealment pole in a new fenced compound in the 1A district. It will be designed for three broadband carriers as shown by the plans and drawings of Professional Engineer Chris Morin, attached herein as Exhibit 1 and incorporated herein by reference. The Stealth concealment pole will not exceed 160 ft., or the district height limits.

(b) The tower must be located no closer to residential or conservation zoned property than a distance equal to the height of the proposed tower; except that flush mount monopole towers and stealth monopole towers may be located as close to a residential or conservation zoned property as a distance equal to one-half the height of the proposed tower. For the purposes of this section, a flush mount monopole shall be a monopole communication tower on which the antennas are flush mounted against the monopole with no visible wires, and a stealth monopole shall be a monopole communication tower with no visible antennas, wires or transmitters; and

As shown on Sheet A - OA of Exhibit "a", the proposed Stealth concealment facility is more than half its height, or 56 feet away from any residential or conservation zoned property.

(c) The proposed tower must be located no closer than 2,500 feet to another communication tower unless the applicant certifies that the existing tower does not meet the applicant’s structural specifications and the applicant’s technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate.

As shown on Sheet A -O of Exhibit "a", the Stealth concealment facility is more than 2,500 feet from any existing communications tower other than the one it is replacing.

(d) The proposed tower must be located such that adequate setbacks are provided on all sides to prevent the tower’s fall zone from encroaching onto adjoining properties and street rights-of-way (the fall zone shall be determined by an engineer certified in the State of South Carolina in a letter which includes the engineers signature and seal); and

South Carolina Professional Engineer Russell N. Emery certified a 10 foot engineered fall zone, attached hereto as Exhibit "a" and incorporated herein by reference, which is fully contained on the King Street Holdings, LLC property.

(e) The proposed tower must not be visible from property listed in the National Register of Historic Places, or from a road or river which has been officially designated as a scenic road or river. The line of site to determine whether a proposed tower will be visible from a certain location, shall be from approximately six feet above grade, or the river level at high tide, at that location; and

We are requesting a Special Exception before the Board of Zoning Appeals. The proposed Stealth concealment pole has been approved by South Carolina SHPO; the approval is attached hereto as Exhibit "3" and incorporated herein by reference.
(f) The proposed tower and associated improvements meet applicable zoning district and speed limit setback requirements, and applicable landscaping and tree protection requirements; and

The proposed stealth facility meets all applicable zoning district and speed setback requirements and applicable landscaping and tree protection requirements.

(g) The applicant has attempted to co-locate on existing communication towers, buildings, or other structures and the applicant is willing to allow other users to co-locate on the proposed tower in the future subject to engineering capabilities of the structure, frequency considerations, and proper compensation from the additional user; and

The proposed stealth concealment pole has been designed for three broadband carriers, and is a “drop and swap” of the existing facility at 52 Line St. The new pole will be taller than the existing pole.

(b) The proposed tower is only illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. Night time strobe lighting shall not be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency; and

The proposed stealth concealment pole will not require lighting due to its de minimis height.

(i) The color of the proposed tower is appropriate to blend in with its surroundings; and

The proposed concealment pole shall be white in color with proposed RF friendly screening that shall also be white in color.

(j) The proposed tower and associated structures are appropriately secured by means of walls, fences or other devices and appropriately screened using existing or new evergreen shrubs and trees that will reach a minimum height of six (6) feet; and

The proposed concealment pole will be surrounded by an 8 foot high brick security wall with a decorative gate as shown on Sheets A - 1 and A - 3 of Exhibit “c”.

(k) The proposed tower does not include signage of any nature on any portion of the tower.

The proposed stealth concealment pole does not include signage except the FCC required site identification and emergency signage. Signage details are shown on Sheet A - 4 of Exhibit “f”.

2. Board of Zoning Appeals—Zoning approval criteria. The Board of Zoning Appeals—Zoning may approve construction of a communication tower as an exception upon a finding that each of the following criteria are met:

(a) The height of the proposed tower must not exceed 200 feet, or the height limits in the Old City Height District, if applicable; and

The Applicant accepts and acknowledges this provision. The proposed stealth concealment pole will be 112 feet.

(b) In addition to satisfying staff approval criteria listed above as (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), and (u), the Board must find that the design, location, and height of the proposed tower will not substantially impact (1) the aesthetic and residential character of adjoining areas zoned residential or conservation and intended to remain as such under adopted land use plans; and

(2) the character of property listed in the National Register of Historic Places, or roads and rivers which have been officially designated as scenic roads or rivers.

Due to its de minimis height and strategic location on the King Street Holdings, LLC property, this stealth concealment pole will not impact the aesthetic and residential character of adjoining areas zoned residential or conservation and intended to remain as such under adopted land use plans, or the character of property listed in the National Register of Historic Places, or roads and rivers which have been officially designated as scenic roads or rivers. Please see the approval by South Carolina SHPO in Exhibit “g”.

3. Applications for staff or Board approval shall include the following information:

(a) A scaled site plan showing the location of the tower(s), guy anchors (if any), buildings and other structures or improvements, parking, driveways, fences, and protected and grand trees affected by the proposed improvements. Adjacent land uses shall also be noted on the site plan.

Please see Exhibit “i.”

(b) The height and typical design of the tower, typical materials to be used, color, and lighting shall be shown on elevation drawings.

Please see Exhibit “j.”

(c) Documentation indicating that colocation on existing towers or buildings in the vicinity of the proposed tower was attempted by the applicant but found to be unfeasible, with reasons noted.

This is a replacement of an existing facility at 52 Line St. The new pole will be taller than the existing pole.

(d) Other information as requested by staff or the Board to allow adequate review of approval criteria, including photographs with the tower superimposed to assess visual impact.

The applicant accepts and acknowledges this provision. We will provide any information requested by city staff or the Board of Zoning Appeals.

In addition, please find the following in support of this application Site photographs attached as Exhibit “a” and incorporated herein by reference; photo-simulations attached hereto as Exhibit “b” and incorporated herein by reference.
February 14, 2022
Page 5

We would respectfully request that this application be placed on the agenda of the City of Charleston Board of Zoning Appeals for their regularly scheduled March 15, 2022 meeting.

If you have any questions or concerns, please do not hesitate to contact me at 843-414-9754.

Thank you for all your help with this.

With warmest regards, I am

Yours very truly,

[Signature]

Jonathan L. Yates

JYLjle
Enclosures
Exhibit 1
SITE INFORMATION

LEASE AREA

LEASE AREA ALL THAT TRACT OR PARCEL OF LAND Lying and being in the CITY OF COLUMBIA, COLUMBIA COUNTY, SOUTH CAROLINA, and being part of 14 ACRES, LAYING AND BEING BOUNDED BY: NORTH, SOUTH, EAST, AND WEST BY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT THE WEST END OF THE INTERSECTION OF INTERSTATE 26; MARKING A VARIABLE WIDTH HIGHWAY HAVING A 60 FOOT RIGHT OF WAY AND RECORDS STREET HAVING A 60 FOOT RIGHT OF WAY. MARKER LAYING AND BEING AT THE MIDPOINT OF MAIN STREET AND RUNNING ALONG THE CENTER LANE OF INTERSTATE 26, 36.72 FEET ALONG THE ARC OF A CIRCLE TANGENT TO THE CENTER LANE OF MAIN STREET AND 36.72 FEET TO A POINT ON THE LEASE AREA AND THE TRUE POINT OF BEGINNING, THENCE CONTINUING ALONG THE SOUTH END OF MAIN STREET AND 800 FEET TO A POINT ON THE SOUTH END OF MAIN STREET AND 800 FEET TO A POINT ON THE SOUTHERLY SIDE OF MAIN STREET AND 800 FEET TO A POINT ON THE SOUTHERLY SIDE OF MAIN STREET AND THE TRUE POINT OF BEGINNING.

ACCESS & UTILITY EASEMENT

ACCESS & UTILITY EASEMENT TOGETHER WITH AN ACCESS AND UTILITY EASEMENT Lying and being in the CITY OF COLUMBIA, COLUMBIA COUNTY, SOUTH CAROLINA, AND BOUNDED PARTLY OF THE TRACT OWNED BY RING STREET HOLDING LLC, AS RECORDED IN DEED BOOK 740, PAGE 491, CHARLESTON COUNTY REGISTRY, CHARLESTON COUNTY, SOUTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE TRUE POINT OF BEGINNING, MARKING A VARIABLE WIDTH HIGHWAY HAVING A 60 FOOT RIGHT OF WAY, AND RECORDS STREET HAVING A 60 FOOT RIGHT OF WAY, THENCE ALONG THE CENTER LANE OF INTERSTATE 26, 36.72 FEET TO A POINT ON THE INTERSECTION OF INTERSTATE 26 AND RUNNED ALONG THE CENTER LANE OF INTERSTATE 26, 36.72 FEET TO A POINT ON THE LEASE AREA AND THE TRUE POINT OF BEGINNING, THENCE CONTINUING ALONG MAIN STREET, 36.72 FEET TO A POINT ON MAIN STREET AND 36.72 FEET TO A POINT ON THE LEASE AREA AND THE TRUE POINT OF BEGINNING, THENCE CONTINUING ALONG MAIN STREET, 36.72 FEET TO A POINT ON THE INTERSECTION OF INTERSTATE 26 AND MAIN STREET, 36.72 FEET TO A POINT ON THE SOUTH END OF MAIN STREET, 36.72 FEET TO A POINT ON THE SOUTHERLY SIDE OF MAIN STREET, 36.72 FEET TO A POINT ON THE SOUTHERLY SIDE OF MAIN STREET, 36.72 FEET TO A POINT ON THE SOUTHERLY SIDE OF MAIN STREET AND THE TRUE POINT OF BEGINNING.

RUNWAYS BOUND BY SOUTH CAROLINA GRID NORTH, INDEX:

LEASE AREA 8.00 Acres (0.03 Square Feet), More or Less.

LEASE AREA 8.00 Acres (0.03 Square Feet), More or Less.

LEASE AREA 8.00 Acres (0.03 Square Feet), More or Less.

LEASE AREA 8.00 Acres (0.03 Square Feet), More or Less.
Special Zoning Districts:

1. Overlay Zones. These include the Accommodations Overlay Zone, Tour Boat Overlay Zone, Johns Island Overlay Zone, Savannah Highway Overlay Zone, School Overlay Zone, Landmark Overlay Zone, Historic Rice Mill Overlay Zone, Light Industrial Near Night Overlay Zone, Tech/Corridor Overlay Zone, Folly Road Overlay Zone, Gateway Overlay Zone, and Amusement and Recreation Services Overlay Zone. All are designated in the zoning maps. In addition to the regulations and requirements of each overlay zoning district, prohibitions within the Overlay Zones shall be subject to regulations of the applicable Overlay Zone.

2. Old and Historic Districts. These districts are designated in the zoning map and overlap other districts. In addition to the regulations and requirements of each overlay zoning district, properties within the Old and Historic Districts shall be subject to regulations formulated by or in accordance with applicable regulations for buildings and structures and maintenance thereof.

3. Old City District. This district is shown on the zoning map and described in Sec. 2A.2 and overlaps other districts. In addition to the regulations and requirements of each overlay zoning district, properties within the Old City Districts shall be subject to regulations formulated by or in accordance with applicable regulations for buildings and structures and maintenance thereof.

4. Old City Height District. These districts are delineated on the zoning map and include special maximum and minimum heights, setbacks and other area requirements for those districts, which are set forth in Section 2A.3.2, Part 2, Old City Height Districts and New Corridor Protection.

5. Downtown District. This district applies to a distinct area of the city known as Downtown and includes various zoning districts to implement the master plan for the area. The island consists of approximately 3,900 acres of highland, at least 600 acres of wetlands and streets. The Downtown District applies to approximately 3.79 acres while the remaining area is zoned as shown in Article 2. Part 2, and the acquired Downtown Island Master Plan Zoning Text.

6. Waterside District. This district applies to a residential development which was never planned and is not extensively developed under the jurisdiction of the Charleston County Planning Board. See Article 2 Part 2, and Appendix C.

7. Old City District. This district is shown as part of the old City of the Historic District of the City.

8. Neighborhood District. This district applies to all of the remaining residential or commercially zoned, undeveloped parcels of land north of the City, which is shown as part of the Historic District of the City. See Article 2 Part 2, and Appendix C.

9. Gateway District. This district applies as a section of the Gateway Corridor portion of the City.

10. Neighborhood District. This district applies to all of the remaining residential or commercially zoned, undeveloped parcels of land north of the City, which is shown as part of the Historic District of the City. See Article 2 Part 2, and Appendix C.

11. Gateway District. This district applies as a section of the Gateway Corridor portion of the City.

12. Neighborhood District. This district applies to all of the remaining residential or commercially zoned, undeveloped parcels of land north of the City, which is shown as part of the Historic District of the City. See Article 2 Part 2, and Appendix C.
NOTICE

CONNECTIONS TO BE MADE ONLY
BEHIND THE POSTS

Caution

Radio frequency fields beyond
this point may exceed the FCC
general public exposure limit.

NOTICE

FUNCTIONAL Structure REGISTRATION #

FCC## TBD

FAA## 2018-ASQ-22728-DE

LINE STREET

SIGNAGE

1. Contractor to provide and install all signage.
2. All signs shall be mounted on mesh of fence fabric,
   unless noted otherwise.

DATE WORKED: 01/30/18

N.T.S. SIGNAGE A-4 7
February 18, 2022

Lee Batchelder
Zoning Administrator
City of Charleston, Department of
Planning Preservation and Sustainability
2 George Street, Suite 3108
Charleston, South Carolina 29401

Re: Communication Tower Located at 52 Line Street, Charleston, South Carolina 29403

Dear Mr. Batchelder:

SBA Communications presently owns a communications tower located at 52 Line Street in Charleston ("Existing Tower"), which hosts three (3) wireless carriers. The Existing Tower must be relocated. Beacon Towers, through its local counsel, Jonathan L. Yates, will be making an application to the City of Charleston for a replacement tower to be located at 54 Line Street in Charleston ("Replacement Tower").

If the Replacement Tower is approved by the City of Charleston, SBA will coordinate relocation of the three (3) wireless carriers on the Existing Tower to the Replacement Tower. SBA will then remove the Existing Tower within thirty (30) days of the date all three (3) wireless carriers relocate and commence broadcasting from the Replacement Tower.

Should you have any questions or concerns, please do not hesitate to contact me at 561-226-9237.

Very truly yours,

Larry Harris, Senior Vice President
Agenda Item #B-3

2003 CHERRY HILL LN.
TMS # 464-02-00-053

Request special exception under Sec. 54-206 (u) to utilize 1.38 acres of Heavy Industrial (HI) zoned acreage toward the allowable multi-family residential dwelling unit density on General Business (GB) zoned portion of the property; 1.38 ac equals 26 dwelling units (BZAZ approval required to use HI zoned property for residential).

Zoned GB/Hi
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:
March 15, 2022

Property Address: 2003 Cherry Hill Lane, Charleston, SC 29405

Property Owner: Gerald H. McElhinney, PO Box 729, Charleston, SC 29402

Daytime Phone: 843-729-9472

Applicant: Thomas H. Hutton, Inc.

863-726-8276
W44-2003-093

Applicant’s Mailing Address: 1420 East 7th Street, Suite 150, Charleston, SC 29403

E-mail Address: riley@hutton.com

Relationship of applicant to owner (same, representative, prospective buyer, other): Engineer in C/O Progressive Builder

Zoning of property: 00 and H

Information required with application: (check information submitted)
☐ scaled plans or plots, indicating elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ for new construction or additions within a flood zone, show flood hazard and flood risk maps and plans on scaled plans
☐ scaled 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? § 6-29-115 of the South Carolina Code of Laws

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

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

Applicant: Thomas H. Hutton, Inc.

Date: 3/14/2022

For office use only
Date application received: ____________
Time application received: ____________
Received fee: ____________
Receipt #: ____________

BZA-Z Application (continued)

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

Variances Test: The Board of Zoning Appeals – Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:
1. There are extraordinary and exceptional circumstances 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 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 § 5-4-110, § 5-4-206, or sections in Article 5 (add as an attachment if necessary):

See next page for request

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) 724-3761 www.charleston-sc.gov/zoning

5/19
SPECIAL EXCEPTION REQUEST

Applicant seeks a special exception from 54-206(u) to utilize the HI acreage towards the allowable multi-family density on GB zoned portion of the property. The applicant will not place any multi-family units within the HI portion of the site.
All residential units will be located on the GB zoned portion of the site.

There are two adjacent properties zoned HI on the east side of the subject parcel. TMS 464-02-00-051 is an undeveloped parcel located to the east and is separated from the subject parcel by Harmon Street. TMS 465-00-00-038 is a split zoned parcel (HI/GB) fronting Cherry Hill Lane also on the east side of the subject parcel. This parcel currently has two businesses: 1) Office building for Cooper River Contracting and 2) Low Country Stone Solutions that sells stone counter tops.

All of the properties to the south and west are zoned either GB or BP. Based on this information, there will not be any unsafe living conditions created by approval of this request.

Redevelopment Planned Uses:
- Multi-family residential within 4.22 acres zoned General Business
- Self-storage within 1.38 acres zoned Heavy Industrial

Allowable Multi-family Density:
- Section 54-301, General Business Residential = 26.4 units per acre
- Section 54-301, Heavy Industrial Residential = 19.36 units per acre

"Multi-family residential is allowed in Heavy Industrial via Special Exception as detailed in Section 54-206(u): "Dwellings within the HI district shall be permitted as an exception where the Board, after review, finds that there shall not be created any unsafe living conditions given the existing uses in the area."

Example:
4.22 acres of General Business @ 26.4 units per acre = 111.41 residential units
1.38 acres of Heavy Industrial @ 19.36 units per acre = 26.72 residential units
Combined allowable residential units: 111.41 + 26.72 = 138.13 residential units

Applicant seeks to place up to 138.13 residential units on property. Residential units will only be placed within the General Business zoned portion of the site; no residential units will be placed within the Heavy Industrial zoned portion of the site.
-1.38 acres zoned Heavy Industrial
(Received City Council 2nd and 3rd reading approval on February 8, 2023)

-4.22 acres zoned General Business

Special Exception Request:
Applicant seeks a special exception from 54-200(a) to utilize the HF acreage towards the allowable multi-family density on GZ zoned portion of the property. The applicant will not place any multi-family units within the HF portion of the site. All residential units will be located in the R portion of the site.

There are two adjacent parcels zoned R10 on the east side of the subject parcel. TMQ 460-01-054 is an underground parcel located to the east and is separated from the subject parcel by Warren Street. TMQ 460-01-055 is a split zoned parcel (R10/GZ) fronting Cherry Hill Lane also on the east side of the subject parcel. This parcel currently has three businesses: 1) Office building for Cooper River Contracting and 2) Low Country Stone Building that adds stone counter tops.

All of the properties to the south and west are zoned either O1 or O2. Based on this information, there will not be any unsafe living conditions created by approval of this request.

Redevelopment Planned Uses:
- Multi-family residential - 4.22 acres zoned General Business
- High density within - 1.38 acres zoned Heavy Industrial

Affordable Housing Density:
- Section 54-150 General Business Residential = 36.4 units per acre
- Section 54-150 Heavy Industrial Residential = 90.8 units per acre

Multi-family residential is allowed in Heavy Industrial via Special Exception as detailed in Section 54-200(a). A notice within the HF district shall be permitted for any exception where the Board, in determining that these shall not create any unsafe living conditions given the existing use in the area.

Example:
- 4.22 acres of General Business @ 36.4 units per acre = 111.41 residential units
- 1.38 acres of Heavy Industrial @ 90.8 units per acre = 125.72 residential units
- Combined allowable residential units: 111.41 + 125.72 = 237.13 residential units

No residential units will only be placed within the General Business zoned portion of the site. No residential units will be placed within the Heavy Industrial zoned portion of the site.
Agenda Item #B-4

90 CANNON STREET
(CANNONBOROUGH/ELLIOTBOROUGH)
TMS # 460-08-03-021

Request special exception under Sec. 54-511 to allow a restaurant use (1st floor) with 700sf of inside patron use area, 260sf (patio) of outside patron use area without providing required off-street parking spaces (9 spaces required).
Zoned LB
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals - Zoning (BZA-Z)

City of Charleston

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

The Applicant Herewith 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: 3/15/2022

Property Address: 90 Cannon Street, Charleston SC 29401 TMS #: 460-08-03-021

Property Owner: YP & Horsefly Group LLC Daytime Phone: 404-408-3657

Applicant: David Richards, Architect 843-708-0003

Applicant's Mailing Address: 158 Broad Street, Charleston SC 29401

davidrichardsarchitect@comcast.net

E-Mail Address:

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

Zoning of property: LB (Limited Business/Residential)

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

Option(s) 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: David Richards

Date: 2/14/2022

For office use only

Date application received: 1/20/2022

Time application received: 10:00 AM

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

(843) 724-3781 www.charleston-sc.gov/zoning

5/19
5. Whether the applicant has pursued good faith efforts to provide off-street parking.

**Regarding: Special Exception Test 1:** Whether the proposed use is an allowed use in the applicable zoning district.

Applicants Comment: The proposed restaurant (Eating and Drinking/Residential) use is allowed in this Zoning District.

**Regarding: Special Exception Test 2:** Whether the existing building(s) as configured on the lot, or the existing building(s) as configured on adjoining lots, make it feasible to provide off-street parking.

Applicants Comment: Due to the configuration of the site and the fact that the building covers the entirety of the street (South) side portion of the property there is no way to provide a driveway access to the rear of the property.

**Regarding: Special Exception Test 3:** Whether street frontage of an existing lot is so limited that a driveway for access to a parking area would unreasonably or impractically reduce the area available for occupancy by structures;

Applicants Comment: The existing building covers the entirety of the street (South) side portion of the property there is no way to provide a driveway access to the rear of the property.

**Regarding: Special Exception Test 4:**

Whether grant of the special exception will adversely affect neighboring properties;

It is our belief, that not requiring off Street parking for this building would have no negative impact on the adjacent properties or to the public good. The Ownership group has meet with
CENA Cannoborough/Elliotborough neighborhood associations and has their full support for
the variance request.

**Regarding: Special Exception 5:** Whether the applicant has pursued good faith efforts to
provide off-street parking.

The Ownership group has reached out to possible entities that might have leaseable or
sellable parking spaces but to date have been unable to secure commitments from any entity
that has parking spaces to lease or purchase.

Most Respectfully,

[Signature]

David Richards, Architect
83 Mary Street LLC – Building Owners
Agenda Item #B-5

698 RUTLEDGE AVENUE
(NORTH CENTRAL)
TMS # 463-15-04-070

Request use variance from Sec. 54-203 to allow retail uses (1st floor) and an office use (2nd floor) in a DR-1F (Diverse-Residential) zone district.

Request special exception under Sec. 54-511 to allow 3,928sf of retail space and (2,252sf) of office space without providing off-street parking spaces (15 spaces required).

Zoned DR-1F
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: March 15

Property Address 698 Rutledge TMS # 463-05-04-070
Property Owner Ben D’Alejandro Daytime Phone
Applicant A.J. Architects (Ashley Jennings) Daytime Phone 843-810-0029
Applicant’s Mailing Address 538 King Street, Charleston SC 29403
E-Mail Address ashley@ajarch.net

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

Zoning of property DR-1F

Information required with application: (check information submitted)
- Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
- Plans or documents necessary to show compliance with special exception requirements (3 sets)
- Check, credit card or cash (make checks payable to the City of Charleston)
- Yes or No - Is this Property encumbered 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 noticed of the Board hearing and inspected.

Applicant

Date 02-14-2022

For Special Exception 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 letter

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 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 letter

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

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

5/19
Penny Ashby, Senior Zoning Planner  
City of Charleston Zoning Department  
2 George Street, Suite 3100  
Charleston SC 29401  

Re: Zoning Request – 698 Rutledge Avenue

Dear Penny,

Please consider this letter an attachment to the Zoning application for 698 Rutledge Avenue. This structure is an existing historic mixed use building, with four retail units on the first floor and two single-family residences on the second floor. The property is zoned DR-1F with a lot size of 5,260SF, which would allow one single-family residence. The building, constructed in 1942, was originally a pharmacy on the first floor and two apartments above. My clients would like to renovate the building and propose using the first floor for retail and the second floor for office use. So, the proposed renovations will require the following Zoning approvals:

VARIANCE, SECTION 54-92A

1. To allow the re-establishment of non-conforming retail use on the first floor, and to change the non-conforming use of two residential units on the second floor to the non-conforming use of office.

   1. This property is unique; it was configured as a mixed-use building when constructed in 1942.
   2. This condition does not apply to other properties in the area because most were built as single-family residences.
   3. Applying the ordinance to this property would mean the entire building must be renovated to create 1 residential unit, changing the nature of the original structure.
   4. The authorization of the variance will not be of substantial detriment to the adjacent neighbors - this building has been partially vacant for a long time and needs to be renovated. We believe the office use on the second floor will be a low impact type of use.

SPECIAL EXCEPTION, SECTION 54-511:

1. To allow the changes of use with no off-street parking, the board is charged with considering the following items, addressed specifically for this property:
   1. The proposed use, office, is not allowed in this district - see previous request.
   2. The configuration of the building on the lot makes it infeasible to provide off-street parking; the building occupies almost 100% of the lot.
   3. There is no available street frontage to create a drive; this building, as it sits on the lot, provides no break for a drive or parking.
   4. Since this area of Rutledge Avenue is transitional, and since this building has always been non-compliant with parking, we do not believe the granting of the special exception will adversely affect neighboring properties.
   5. Our client has made a good-faith effort to secure other parking, but the lack of public parking garages and lots in this area has limited that search.

We do not believe this is an unreasonable request. Thank you for your consideration.

[Signature]

Ashley Jennings
Agenda Item #B-6

186 SAINT PHILIP STREET
(CANNONBOROUGH/ELLIOITBOROUGH)
TMS # 460-12-02-064

Request variance from Sec. 54-301 to allow construction of two residential units (duplex) with 1,554.5sf of lot area per dwelling unit (2,000sf required).

Request special exception under Sec. 54-511 to allow two residential units (2nd and 3rd floors) and a restaurant use (1st floor) with 790sf of inside patron use area without providing required off-street parking spaces (9 spaces required).

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

City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications will be accepted at 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 the 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:
March 12, 2021

Property Address 168 Dilly Street
ThS # 468-12-00-004

Property Owner CEC Properties

Daytime Phone 843.215.0029

Applicant AJ Architects, LLC

Daytime Phone 843.215.0029

Applicant's Mailing Address 538 King Street, Charleston, SC 29403

E-mail Address ashley@ajarch.net

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

Zoning of property
R-Non Residential

Information required with application: (check information submitted)
- Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- For new construction or additions within a flood zone, show HVCA limit 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 variations and building additions, unless exempted by the Zoning staff (3 sets)
- Plans or documents necessary to show compliance with special exception requirements (3 sets)
- Check, credit card or cash (make checks payable to the City of Charleston)

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

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

I certify that the information on this application and any attachments is correct, that the proposed improvements comply with private neighborhood covenants, if they 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 Jennings

Date
02-14-22

For office use only
Date application received
Time application received
Steffenson
Fee
Receipt #

BZA-Z Application (continued)

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

SEE ATTACHED

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.

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

S/19
aj architects

Pennye Ashby, Senior Zoning Planner
City of Charleston Zoning Department
2 George Street, Suite 3100
Charleston SC 29401

Re: Zoning Request - 186 St Philip Street

Dear Pennye,

Please consider this letter an attachment to the Zoning application for 186 St Philip Street. This is a corner lot in the Cannonborough-Elliottborough neighborhood with a demolition-by-neglect structure. The property is zoned GB with a lot size of 3,199SF, and will allow a mixed-use building with one residential unit. My client's would like to build a new mixed-use structure with retail or restaurant use on the first floor and two apartments above. So, the proposed new construction will require the following Zoning approvals:

VARIANCE, SECTION 54-924

- To allow two residential units on the second floor (zoning allows one),
  1. This property is unique; it is a corner lot in a transitional area. We believe the original structure was multi-story and had more than one residential unit.
  2. Many of other properties in the area are non-conforming with regards to the number of residential units.
  3. Applying the ordinance to this property would limit the structure to 1 residential unit, which is less dense than the neighboring properties.
  4. The authorization of the variance will not be of substantial detriment to the adjacent neighbors - the building remaining on the lot is in poor shape and needs to be demolished. We believe this use is compatible with the immediate area.

SPECIAL EXCEPTION, SECTION 54-511

- To allow the new construction with no off-street parking, the board is charged with considering the following items, addressed specifically for this property:
  1. The proposed use is allowed in this district.
  2. The configuration of the corner lot makes it infeasible to provide off-street parking.
  3. There is no available street frontage to create a drive way to the location at the intersection.
  4. Since this area of Cannon/St Philip is transitional, and since this lot has always been non-compliant with parking, we do not believe the granting of the special exception will adversely affect neighboring properties.
  5. Our client has made a good-faith effort to secure off-street parking, but the lack of public parking garages and lots in this area has limited that search.

We do not believe this is an unreasonable request.
Thank you for your consideration.

Ashley Jennings
Agenda Item #B-7

330 W. CONFEDERATE CIRCLE
(SOUTH WINDERMERE)
TMS # 421-13-00-111

Request special exception under Sec. 54-110 to allow 1-story addition (kitchen expansion/dining room) that extends a non-conforming 7-ft. south side setback (9-ft. required).

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: 13 March 2022

Property Address: 330 West Confederate Circle Charleston, SC 29407
TMS #: 4211300111

Property Owner: Phillip & Acacia Braun
Daytime Phone: 757-618-9500

Applicant: Acacia Braun
Daytime Phone: 336-903-0641 (Phillip)

Applicant’s Mailing Address: 330 West Confederate Circle Charleston, SC 29407

E-Mail Address: Acacia.Braun@gmail.com

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

Zoning of property: Single Family Residential

Information required with application: [check information submitted]
☒ Scaled 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 HVAC, tank, 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 approved 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 the property restricted by any recorded covenants that are contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

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

I certify that the information on this application and any attachments is correct, that the proposed improvements comply with private neighborhood covenants, if 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: Acacia Braun

Date: 14 Feb 2022

For office use only
Date application received: __________
Time application received: _______
Signature: __________
Fee: $ ________
Receipt #: ________

BZA-Z Application (continued)

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

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

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

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-11-10, § 54-20a, or sections in Article 5 (add as an attachment if necessary):

Proposed addition encroaches on set back by 19'. Current footprint of existing home is already encroaching on setback by more than 2 in most areas. The proposed addition encroaches less than original structure. Due to difficult existing roof line, the proposed addition cannot be brought further in, otherwise dining room would have to be eliminated altogether. Addition will not be viewable from the street and will increase property value.

Please see attached letters from neighbors approving of addition.

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

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

5/19
An Addition for:
330 West Confederate Circle
Charleston, South Carolina
February 9, 2022

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

Dear Chairman,

I write this letter in support of the Zoning request to allow my neighbor at 330 W Confederate St, the Braun’s Residence, build their addition and back porch beyond the current required setback. I am an adjacent neighbor to this house and have no concerns with this plan.

Sincerely,

Name
Frank J. Kitter

Address
304 Confederate Circle, Charleston, SC 29409

Signature
Frank J. Kitter

February 9, 2022

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

Dear Chairman,

I write this letter in support of the Zoning request to allow my neighbor at 330 W Confederate St, the Braun’s Residence, build their addition and back porch beyond the current required setback. I am an adjacent neighbor to this house and have no concerns with this plan.

Sincerely,

Name
Lyle Rouse

Address
334 Confederate Circle

Signature
Lyle Rouse