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

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

Order on Each Application:

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

Providing Comment:

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

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

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

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

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

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

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

Approval of April 6, 2021 BZA-Z Minutes
(click on link below)
https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/_04062021-6417
Agenda Item #A-2

80 ASHLEY AVENUE
(HARLESTON VILLAGE)
TMS # 457-03-04-068

Request use variance from Sec. 54-203 to allow a café with indoor and outdoor patron use areas and garden shop, with on premises consumption of beer, wine and liquor. Café limited hours: Monday to Friday 7:30a.m. to 6:30p.m.; Saturday and Sunday, 8:00a.m. to 6:30p.m. Garden store: Monday to Sunday, 10:00a.m. to 6:30p.m. Café staff arriving 1 hour earlier and leaving 1 hour later. Alcohol (beer, wine and liquor) sales to be tied to 7:30/8:00a.m. breakfast service.

Request variance from Sec. 54-317 to allow a café with indoor and outdoor patron use areas and garden shop with 2 off-street parking spaces (13 spaces required).

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

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 decision of a zoning official (attach Appeal Form)
☐ Extension of an expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: April 20, 2021

Property Address: 80 Ashley Avenue, Charleston SC 29401

Property Owner: John B. Howard

Applicant: LFA Architecture

Applicant’s Moving Address: LFA Arch: 52 S Hampton Drive, Charleston SC 29407

Parental relationship of applicant to owner (name, representative, prospective buyer, other): Architect, prospective buyer

Zoning of property: STR

Information required with application: (check information submitted)

☐ Scaled plans or photographs showing the variance or special exception(s) being requested (1 set)
☐ Two (2) sets of construction plans or elevations within five (5) feet of the building(s) showing the variance(s) in the floor plan, elevations, and section drawings of the existing structure.
☐ Scaled floor plans with room tables and the total floor area for each dwelling unit noted (1 set)
☐ Photos or documents necessary to show compliance with special exception requirements (1 set)
☐ Check the box for cash (make check payable to the City of Charleston)

☐ Yes or ☐ No: Is the property located by any recorded covenant that is conflicting or, controls without permits, the proposed land use incorporated in this permit application? ☐ Yes ☐ No

Optional but helpful information:

☐ Photographs

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

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

Applicant: Laura Allman

Date: March 19, 2021

For office use only

Case file: 123-45678

Received: March 19, 2021
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

1. Requesting a variance to allow commercial use in an STR residential zone, with the following conditions:
   a. The use will be limited to a cafe and garden shop as shown on the attached drawings.
   b. Cafe hours: daily, 7:30 to 8:30, Saturday and Sunday, 8:00 to 6:30. Garden opening hours: Monday to Tuesday, 10:00 to 6:30. Cafe staff arriving 1 hour earlier and leaving 1 hour later.
   c. Alcohol (beer, wine, and liquor) sales to be sold to 7:30/8:30 on a breakfast service.
   d. Maximum outdoor seating capacity: 25 people.
   e. No outdoor speakers.
2. Requesting a variance to allow 2 onsite parking spaces instead of 13 parking spaces required (see sheet A003).

Please see the attached variance test narrative.

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

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

In granting a variance, the Board may attach to it such conditions respecting 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. (32 Code of Laws § 6-29-802)

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 § 54-11.0, § 54-20k, or sections in Article 5 (add as an attachment if necessary):

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

TO: BOARD OF ZONING APPEALS-ZONING AND
LEE BATHCHELDER, ZONING ADMINISTRATOR
CITY OF CHARLESTON

FROM: CAPERS G. BARR, III
ATTORNEY FOR SWB HOLDINGS, LLC, APPLICANT

DATE: FEBRUARY 22, 2021

SUBJECT: 80 ASHLEY AVENUE; APPLICATION FOR USE VARIANCE,
APPLICATIONS FOR EXCEPTION TO OFF-STREET PARKING
REQUIREMENTS

This memorandum supplements the application for a Use Variance and for a Parking Variance for the property at 80 Ashley Avenue filed January 29, 2021 by Laura F. Altman, AIA, on behalf of SWB Holdings, LLC.

Introduction and History

Steve Brown is the single member of the applicant SWB Holdings, LLC. Mr. Brown and his wife Danielle live at 85 Rutledge Avenue in the northeast corner of the same city block as the subject property at 80 Ashley Avenue. The subject property is located in the block’s southwest corner. By this Application, SWB seeks to preserve and protect the existing 90-year old brick structure on the subject property, and to convert it to use as a small, pedestrian accessible neighborhood café and garden shop.

The historic use of 80 Ashley Avenue is unique. It has been used for commercial purposes only since at least 1912, within a residential neighborhood. (See Schempp map). As reported in the application previously filed, a photograph from approximately 1915 shows the property being used as “Cantwell’s Grocery” at about that date. Upon inquiry to retired City Attorney Frances Carwell, Ms. Carwell relates that the Carwell family history compiled by her cousin, P. Michael Duffy reports that Ms. Cantwell’s great grandmother operated the grocery store at 80 Ashley Avenue, and that her grandfather was managing the store by 1912. Undoubtedly the mustached gentleman in the photograph on Architectural Sheet P001 of the application in this case, was Ms. Carwell’s grandfather.

The point to be made is that, although presently zoned for residential use, the property has not been used for residential purposes since at least before the turn of the last century. Admittedly, it has probably lost its technical non-conforming use status, but its historical use is surely germane to the immediate request for a use variance. Indeed, a use variance is a
recognized vehicle to apply for a property that does not comport with the “one-size-fits-all”
construct of a zoning ordinance.

The property has also been the object of public interest. The Charleston Post and
Courier published an editorial on December 3, 2019 after “For Sale” signs were posted on
the property. The editorial advocated for the protection of the existing structure, “even as a
convenience store or small café”. The editorial cites numerous instances on the peninsula
where old gas service stations have been converted to current commercial use. (See Exhibit “A”)

Moreover, the original application in this case was accompanied by 19 positive
endorsements from neighbors and seven additional favorable Facebook posts. It is within this
context, both historical and contemporary, that the within application for variance must be
considered.

The subject property classically qualifies for every element of the statutory variance test.

**The Property at 80 Ashley Avenue Qualifies for a Use Variance**

The BZA-Z has authority to grant a variance where it finds that the circumstances of the
subject property meet four criteria stated in City Ordinance Section 54-924, as follows:

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;

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.

The subject property at 80 Ashley Avenue qualifies for each of the variance criteria, as
discussed below:

1. **THERE ARE EXTRAORDINARY AND EXCEPTIONAL CONDITIONS
   PERTAINING TO THE PRICE OF PROPERTY.**

   In the case of 80 Ashley Avenue, the exceptional circumstances are several:

   a. The building on the property was constructed prior to 1930, meaning that any
demolition of the building, or even an elevation of the building to comply with flood
regulations, cannot be accomplished without permission of the Board of Architectural
Review. Although Applicant has no interest in demolishing the structure, it is fair to say that any attempt to approve
its demolition would be met by stiff resistance from the Historic Charleston Foundation, from the Preservation Society, and from neighborhood and peninsula residents, not to mention the Charleston Post and Courier. Even if demolition were sought, it is unlikely to be approved.

b. A residential use of the property would require, under City and FEMA flood regulations, that the building be elevated at least 8 additional feet from its present level. The dimensions of the building are approximately 58 feet in length by 20 feet wide. Elevating a structure that is so disproportionately narrow and long would result in a contorted aesthetic that would be the functional equivalent of the building’s demolition. Any sense of retained historical appearance would be compromised by elevating it.

c. On the other hand, a commercial use of the structure would not require its elevation, and the building could be “flooding proofed” for commercial uses by engineering devices and techniques.

d. The square footage for residential use required by the City Ordinance is 6,000 square feet. However, the entire lot contains only 3800 square feet, which would not permit any existing new residential construction without a variance, even if the existing structure were to be demolished. For any new construction, additional variances would also be required to comply with the setbacks constraints of the zoning ordinance.

c. On the other hand, the existing building may be used in its current location for commercial purposes, as-is, without reference to any setback requirements.

2. THESE CONDITIONS DO NOT GENERALLY APPLY TO OTHER PROPERTY IN THE VICINITY.

Every other property in the vicinity is occupied by established residential uses that, even if not compliant with current zoning regulations, are fixed and established non-conforming uses. On the other hand, and except for use of the existing building for commercial purposes, no other use may be made of the subject property without the variances as discussed in the first paragraph above.

The circumstance that other properties in the vicinity may continue to be used without variance, whereas the subject property may not be used for its zoning category of STR for residential purposes, without variance and BAR approval, creates conditions unique to the subject property that do not apply to other properties in the vicinity.

Moreover, the historical use of the subject property for commercial purposes, although not technically a non-conforming use, are relevant to this criteria. The property has not been used for residential purposes at least since before the turn of the last century.

Finally, every characteristic of the existing building signifies its “commercial use”. The former bays of the former gas station are not replicated in any other structure in Harleston Village. No other nearby property is even closely similar.
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.

The current zoning of the subject property requires that it be used for residential
purposes. However, the application of the current zoning STR designation would effectively
prohibit its use or would unreasonably restrict its utilization. This is because, as before
discussed, no such uses may be made of the property without demolition approval, or without
elevation approval, or without variances for required lot square footage and setbacks.

In summary, the subject property cannot presently be used for any purpose without some
form of variance. The approval of the proposed use variance would permit the use of the
property as-is, and would be dispense of the need for seeking further, multiple variances,
except for the parking circumstances which will be later discussed. No minimum square footage
requirements would be implicated. No setback variances would be required. No Board of
Architectural Review demolition or elevation approvals would be required. In summary, the
most reasonable and least restrictive applications of the zoning ordinance to the subject property
would be to grant the use variance as proposed.

Importantly, use of the building as-is will preserve and protect an historic structure.

4. THE AUTHORIZATION OF A VARIANCE WILL NOT BE OF SUBSTANTIAL
DETRENIMENT TO ADJACENT PROPERTY OR TO THE PUBLIC GOOD, AND THE
CHARACTER OF THE DISTRICT WILL NOT BE HARMED BY THE GRANTING OF THE
VARIANCE.

The Harlem Village district presently contains several neighborhood pedestrian
accessible cafes: the 60 Bull Street Cafe, the Queen Street Grocery at the corner of Queen and
Logan, and the Second State coffee shop on Beaufain Street. There are also several corner
grocery stores presently operating within the district of Harlem Village.

Although the Applicant believes that at least two immediately adjacent property owners
may oppose the proposed use variance, the benign impact of a low density, limited hour
neighborhood cafe primarily serving pedestrian residents of the district, and with significant
landscaping additions to mitigate noise and light, do not present an unreasonable intrusion into
the rights of other property owners. The use is compatible with other, similar cafes in Harlem
Village and will contribute to the neighborhood ambiance. The operative term in this component
of the variance test is “substantial”. It cannot be credibly found that the proposed use as a
neighborhood cafe will pose a “substantial” detreniment to adjacent property or to the public good.

Rather, and importantly, from a neighborhood benefit perspective, after almost 20 years
of dormancy the subject property will be renovated, substantially contributing to community
preservation, and planning to use a street corner that has for too long been vacant and near derelict.
Recommendations
Right-Size Parking Codes/Ordinances/Policies

Overview:
In the past decade, a movement has grown in the parking and planning communities to “right size” codes, ordinances, and policies related to the provision of parking. Parking codes and ordinances meant to help protect communities from an influx of cars parking in wayward areas actually have worked against the design of functional and walkable development and streets. While Charleston has largely been insulated from overdevelopment of large surface lots and fragmented parking areas that cripple good urban design and walkability, the City’s parking codes have obstructed redevelopment and relegated an extensive, public off-street parking system to support development. The private parking that has been developed is largely underutilized, as described in the Existing Conditions Report.

What does “right-sized” parking mean?
It means developing context-appropriate codes and regulations that are designed to capture the character and intent of an area, rather than applying blanket policies to an entire area out of context. Right-sized policies can:
- Support economic development by reducing barriers to building mixed-use developments in urban centers.
- Reduce housing costs and household monthly expenditures allowing a larger demographic to participate in the urban, walkable housing market.
- Encourage use of transit, ride-share, biking, and walking.
- Reduce vehicle miles traveled (VMT) and greenhouse gas (GHG).

Key Recommendations:
There are several steps that need to be considered to create right-sized parking codes, ordinances, and policies. The two primary components this study focuses on are:
- Modifying parking requirements
- Implementing a fee in lieu of providing on-site parking

These two elements will likely have the highest impact on reducing the over-supply of parking in the community and promoting smarter design elements.
Recommendation Details

Many cities have either reduced or eliminated off-street parking requirements in urban districts by either “right-sizing” the requirements or implementing a market-based approach that allows the developer to determine how much parking should be built. Right-sized parking requirements are typically based on data collected locally and aligned with observed parking demand. A market-based approach eliminates all requirements for off-street parking and allows the private sector or developer to decide how much parking is necessary. Reducing or eliminating off-street parking requirements reduces the cost of development and increases affordability, supports the use of other modes of transportation by not overpricing parking, and allows for a more flexible approach to developing off-street parking.

In addition, in historic cities like Charleston, reducing or eliminating off-street parking requirements allows for development consistent with the historic character of the City, where many lots do not have off-street parking.

The City should:

- Review existing parking requirements on the Peninsula and consider reducing or eliminating the off-street parking requirement in commercial and mixed-use districts.
- Consider a small lot, off-street parking exception to support infill development and consistency with the historic patterns of development in Charleston.
- Exempt small-scale, pedestrian-oriented development from requiring off-street parking—such as businesses less than 3,000 square feet. This is consistent with the historic development pattern that makes much of Charleston such a walkable city.
- Expand opportunities for shared parking in the zoning code. Currently, shared parking has to be within 400 feet and requires a 10-year lease. The distance should be expanded and lease requirements reduced. Allow all parking to be managed for shared public parking and not be an accessory to specific land uses.
- Aim to reduce the use of variances from parking requirements and instead provide for context-sensitive solutions through exemptions, shared parking, parking reductions (e.g., for mixed-use development), and other strategies.

Another related option for the City is to develop a fee-in-lieu program to allow developers to pay a fee to the City in lieu of providing off-street parking. The fee would be placed in a fund to pay for existing or new parking stalls and access rights for the payee.

- Implement a fee in lieu of providing off-street parking, where developers can pay a fee for access to off-street parking. The fee-in-lieu requirement can be tailored to specific uses, such as shared public parking for retail/restaurant uses and assigned parking for residential and office users with a parking fee schedule.
- Define a use for the fee-in-lieu fund, parking improvements, transportation/transit improvements, and mobility enhancements.
- Consider establishing parking districts in the City where parking is managed primarily at the district level. As an initial step, assess the amount and use of parking within each of the proposed parking districts for both on- and off-street parking. Develop strategies to improve the efficiency of parking management within each district.
Modern Mitigation

Recent efforts in the planning and urban design communities have created an approach called modern mitigation, which focuses less on vehicular capacity improvements as a result of new land use investments. Instead, the concept of modern mitigation focuses on TDM as the first choice, making traffic reduction and parking demand a priority. Conventional approaches to development sometimes require more investment than development is capable of providing, creates more traffic and congestion adjacent roadways, and reduces the likelihood that non-automobile modes will find increased usage. The primary principles of modern mitigation focus on the following:

- Reducing reliance on single occupant vehicle trips
- Considering parking/traffic and congestion impacts to the entire transportation system
- Applying practices that are context-sensitive
- Maintaining a predictable process
- Designing solutions for all stakeholders

The process is intended to help developers understand mitigation options, rather than simply pointing to code-required parking and traffic improvements. Many communities have created TDM calculators as part of the development review process, helping developers realize multiple concepts to support demand mitigation. Some examples of measures that are used in place of parking and transportation capacity include:

- Active transportation improvements. Physical transportation network improvements that encourage people to walk and/or bicycle to community destinations, including sidewalks, bike lanes, and better roadway crossings. These types of improvements serve not only the development, but also the community surrounding it. These are typically candidates for in-lieu fee funding.
- Bicycle facilities. Bike parking/storage above code requirements, bike showers/lockers, bike share, and other cycling amenities for the development and surrounding community.
- Carpooling and ridesharing. Development-based ridesharing subsidies, shuttling, guaranteed ride home, and connecting programs to support reduced vehicle ownership.
- Carsharing. Shared cars on the site of the development, incentivizes a reduction in car ownership.
- Unbundling parking. Removal of free parking in housing or office space and having tenants pay the true cost for that parking to reduce the reliance on the personal automobile and incentivize better commute decision making.
- Centralized shared parking. In the place of on-site parking, development pays into a fee-in-lieu program to promote more centralized parking and reduce the number of spaces contained in a community.
- Promoting transit. Developers provide subsidized transit, provide shuttles/connector to destination areas or contribute to transit system improvements (vehicles, routes, stops, etc.).
- Affordable housing. Affordable housing in development to trigger mitigation points that lessen the transportation and/or parking burden.
- Education, Marketing, and Information. Developers contribute funds to the city’s non-automobile education programs to educate users and the surrounding community of the benefits of using non-vehicular means.

As the city implements the modernized recommendations associated with parking requirements and the in-lieu fee program, the concepts of modern mitigation should be adopted to further reduce the reliance on the personal automobile on the Charleston Peninsula and in the surrounding community.
Agenda Item #A-3

304 KING STREET
TMS # 457-04-04-018

Request special exception under Sec. 54-511 to allow a restaurant and bar use to add 1,600sf of outdoor patron use area (roof top expansion) without required parking spaces (13 spaces required).

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

City of Charleston

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

THE APPLICANT HEREBY REQUESTS:
☐ 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: APRIL 6, 2021

Property Address 104 KING STREET

Property Owner: CURRENT OWNER: NCGE PROPERTIES LLC

Applicant: STEPHEN RAMOS, LSJIP

Applicant's Mailing Address: LSJP, 201 1/2 KING STREET

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

Zoning of property: GB

Information required with application (check Information submitted)
☐ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show 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)
☐ Any 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 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? 6-29-1445 of the South Carolina Code of Laws

Optional but very helpful information:
☐ NO

☐ Letter or petition 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: STEPHEN RAMOS

Date: 3/7/2021

For use only

Date application received Signature

Time application received 

Received 

Fax: 

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

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

---

...Requesting a parking special exception for 13 parking spaces at 304 King Street, to allow for a new rooftop bar associated with the existing building which will be reopened as a restaurant. See attached drawings and special exception language.

---

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.
BZA-Z PARKING SPECIAL EXCEPTION REQUEST

A parking special exception request is being made for 13 parking spaces associated with a new restaurant at 304 King Street.

The restaurant will utilize the existing 2-story building with the addition of additional rooftop restaurant space at level 3. The first 2 levels of restaurant space have already been approved for a parking exemption under the emergency parking ordinance approved by City Council on January 26, 2021. This ordinance provided a parking exemption for existing business along King between Calhoun and Broad. Because the proposed rooftop restaurant does not currently exist, the parking exemption under the emergency ordinance does not apply. Hence, the purpose for this special exception request, which is specific to the rooftop use.

This package includes floor plans, documentation of the 5-point parking special exception test and the 4-point draft rooftop ordinance test.

BZA-Z Meeting Date: April 20, 2021
Address: 304 King Street
TMS#: 457-04-04-018
Applicant: Stephen Ramos - LS3P
NEW ROOF TOP RESTAURANT PLAN

SECOND FLOOR RESTAURANT PLAN

GROUND FLOOR RESTAURANT PLAN

PARKING CALCULATION

<table>
<thead>
<tr>
<th>Component</th>
<th>Area (SF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROOFTOP PATRON AREA</td>
<td>1,605</td>
</tr>
<tr>
<td>2ND FLOOR PATRON AREA</td>
<td>2,205</td>
</tr>
<tr>
<td>GROUND FLOOR PATRON AREA</td>
<td>1,455</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>5,265</strong></td>
</tr>
</tbody>
</table>

**PARKING REQUIRED**

- 97 SPACES (+13 SPACES)

*The first 2 levels of restaurant areas have been approved for a parking exemption under the emergency parking ordinance approved by City Council on January 26, 2021. This ordinance provides a parking exemption for existing business along 108th between Ohioan and Broad. Because the existing restaurant space does not currently exist, the parking exemption under the emergency ordinance does not apply. Hence, the purpose to This special exception request, which is specific to the remodeling work.*

SCALE: 1/16" = 1'-0"
Sec. 54-511. - Exceptions to off-street parking requirements.

a.
The number of off-street parking spaces required by this chapter shall not be reduced except with the approval of the Board of Zoning Appeals upon a determination by the Board of Zoning Appeals that the enforcement of the required number of spaces would prevent reasonable use of a lot. In making the determination, the Board of Zoning Appeals shall consider each of the following:

**Question 1 of 5: Whether the proposed use is an allowed use in the applicable zoning district;**

**Response: A restaurant and rooftop use is allowed within the GB district.**
Question 2 of 5. 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;

Response: As shown in the floor plan below, the historic building occupies 98% of the site, therefore it is not feasible to provide off-street parking.

PROPERTY AREA - 4,390 SF
BUILDING FOOTPRINT - 4,281 SF
Question 3 of 5. 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;

Response: As shown in the GIS map, the historic building occupies 98% of the site, therefore it is not feasible to provide off-street parking. This is consistent with all of the buildings on this block.

This is consistent with a majority of the King Street development in this area.
Question 4 of 5. Whether grant of the special exception will adversely affect neighboring properties;

Response: A majority of the properties and businesses in the King Street Commercial District do not provide off-street parking. In fact, it is quite rare to find a King Street business that does have dedicated parking. Most of the businesses utilize metered street parking and the various parking lots such as the large surface parking lot behind the building. There are several public parking lots within a 5 minute walk as shown on exhibit A14B. Therefore, the granting of the special exception would simply make this property consistent with its neighbors.

The success of each individual business contributes to a synergy and sense of place that makes King Street such a desirable destination and amenity of Charleston. The re-opening of the business at 304 King Street, and the addition of a rooftop bar will only contribute positively to the neighboring properties. The new business at 304 King will draw more patrons to the King Street area which will trickle down to the adjacent businesses.
Question 5 of 5. Whether the applicant has pursued good faith efforts to provide off-street parking.

Response: Charleston Commercial, a commercial real estate brokerage and property management company was asked to locate long-term parking for the development. Unfortunately, they were unable to locate parking spaces that were available for a 10-year lease within 400’ of the property.
City of Charleston Pending Rooftop Ordinance Requirements

The following 4 point rooftop ordinance was read at City Council on 9/24/2019. The ordinance was tabled for future study. No action has been taken in the last 18 months

Although not required, the applicant is voluntarily committing to conformance to the proposed 4 point ordinance as shown below.

1. No electrical loudspeakers or amplifiers of any type shall be installed or allowed with the rooftop eating and drinking place;
   Response: The restaurant will comply with this requirement.

2. The building shall incorporate architectural features that are permanent and sufficient to minimize the spread of noise beyond the rooftop patron use area;
   Response: Sound mitigation strategies are planned at all sides of the rooftop space. At King Street a 36” wide buffer, and 48” solid vertical barrier has been provided. This will keep patrons back from the edge of the facade and help mitigate noise pollution. At the North and East the architecter of the rooftop will screen the noise. At the south a 7’ tall wall will be added to shield noise from the existing light well. See A17 and A18.

3. The use of strobes or flashing lights shall be prohibited and rooftop lighting levels shall not exceed five (5) footcandles; and
   Response: The restaurant will comply with this requirement.

4. The rooftop patron use area shall not be located within 150’ of a residential zoning district. Such distance shall be measured from the nearest point of the rooftop to the nearest boundary of a residential zoning district.
   Response: The closest residential zoning district is the DR-1F zoning at the college of Charleston which is 500’ from the rooftop terrace. This is 330% of the required distance.
City of Charleston Pending Rooftop Ordinance Requirements

2. The building shall incorporate architectural features that are permanent and sufficient to minimize the spread of noise beyond the rooftop patron use area;

Response: Sound mitigation strategies are planned at all sides of the rooftop space. At King Street a 36" wide buffer, and 48" solid vertical barrier has been provided. This will keep patrons back from the edge of the facade and help mitigate noise pollution. At the North and East the architect of the rooftop will screen the noise. At the south a 7' tall wall will be added to shield noise from the existing light well.

NOTE KEY
A
Existing light well at 302 King Street.
B
Proposed 7' tall sound barrier.
C
36" landscape buffer and 48" vertical barrier at King Street.
D
Note bar, elevator and stair buffer noise to north.
E
New restroom and support spaces will buffer noise to the East.
304 KING STREET
APRIL 5, 2021

2 BARRIER DIAGRAM
1/8" = 1'-0"

98" AWDE HORIZONTAL BUFFER AND 4' HIGH SOLID VERTICAL BARRIER. THIS DESIGN KEEPS PATTIOMS AWAY FROM THE EDGE OF THE BUILDING AND HELPS MITIGATE SOUND POLLUTION AT THE TERRACE.

SITE SECTION
1/8" = 1'-0"

304 KING

SITE LINE

KING STREET

301 KING

SITE LINE
In conclusion, the proposed restaurant and rooftop use conforms to the 5-point parking special exception test, and the exemption of the 13 parking spaces is consistent with the buildings in this district. Outdoor dining has become an extremely critical component to the success of a restaurant operation. This approval will help the revitalization of this property and make a positive contribution to the King Street Commercial District.

In addition, the proposed design exceeds the requirements of the 4 point rooftop ordinance draft presented to City Council on September 24, 2019. Although there are no specific ordinances regarding rooftop establishments, the applicant has volunteered to exceed these draft standards.

It should also be noted that on January 26, 2021, City Council enacted an emergency ordinance that provided a parking exemption for existing buildings along the King Street Corridor. The City recognized that the success and vitality of the King Street corridor is critical to Charleston’s rebound following the Covid Pandemic. The ordinance provided an exemption for parking for existing King Street buildings between Broad and Calhoun. However, the ordinance excluded new buildings or additions via the following language, “Notwithstanding Sec. 54-511.c.(2), any building or structure, or any extension or expansion of an existing building or structure, constructed on or after December 1, 2020 shall not be exempt from the minimum off-street parking requirements.” Therefore, because the rooftop deck will be new, the ordinance does not apply. The existing 2-story building has already been exempted for parking.

We kindly ask for a special exception approval of 13 parking spaces at 304 King Street.
Agenda Item #B-1

NORTH MARKET ST., ANSON ST., AND PINCKNEY ST.  
(CHARLESTOWNE)  
TMS # 457-16-01-042  

Request first one-year extension of a vested right that expires on April 16, 2021, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on April 16, 2019 for a 115-unit accommodations use in a GB-A (General Business-Accommodations) zone district.
Application for Variance, Special Exception, Transmittal, or Extension - Zoning

City of Charleston

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

THE APPLICANT HEREBY REQUESTS:

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

MEETING DATE REQUESTED: April 21, 2021

Property Address: N. Market/Church/Angry-Middle - TMS # 488-0503005 & 488-0503-417

Property Owner: SCM Charleston Market Investors, LLC

Daytime Phone: (843) 377-1226

Applicant: Capt. G. Barron, III

Applicant's Mailing Address: 11 Broad Street - P.O. Box 1037, Charleston, SC 29402

Email Address: ggbarron@lmcuntington.com

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

Zoning of property: GB-2

Information required with application: [check information submitted]

☐ Zoned plans or plans, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform or staged plans
☐ Zoned floor plans with room layouts 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, cash or cashiers check made 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? § 29-1115 of the South Carolina Code of Laws

Optional but any helpful information:

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

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

Applicant: [Signature]

Date: [Date]

For office use only

Date application received

Fee $ [Fee]

Time application received

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


Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provision 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 § 6-7-800)

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 § 5-110, § 5-206, or sections in Article 5 (add as an attachment if necessary):

The subject property was approved for an Accommodations Special Exception Use by the BZA-2 at its meeting on April 16, 2019. Pursuant to City Ordinance Section 54-962 the Applicant seeks its first, one year extension of the Special Exception Use approved. Economic circumstances created by COVID have necessitated this Application.

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
ORDER OF SPECIAL EXCEPTION REQUEST:
The Board of Zoning Appeals held a public hearing to consider the above appeal for a special exception which may be permitted by the Board pursuant to the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

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

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

Date issued: [Signature]

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

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

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

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

Date issued: [Signature]

Approvals of the Board shall remain in effect for two (2) years from the approval date, unless extended in accordance with the provisions of Section 54-9-6.2. Applicants may not apply for the same request that has been denied by the Board until a period of at least 60 (sixty) months has elapsed.
Agenda Item #B-2

73 GORDON STREET
(WAGENER TERRACE)
TMS # 463-11-04-028

Request special exception under Sec. 54-110 to allow a 2-story addition (kitchen expansion/living room/bedroom expansion/closet/bedroom) that extends a non-conforming 3-ft. east side setback (9-ft. required).

Request special exception under Sec. 54-110 to allow a front porch expansion that extends a non-conforming 4-ft. east side setback (9-ft. required).

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

City of Charleston

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

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

MEETING DATE REQUESTED:
- 04.20.2021

Property Address: 75 Gordon Street
- TMS # 462-11-04-028

Property Owner: Glenn & Helen Wolfe
- Daytime Phone: 843.442.2180

Applicant: Michael Strople
- Daytime Phone: 843.442.2180

Applicant's Mailing Address: 971 Fowler Court, Mt Pleasant, SC 29464
- Email Address: michael@michaelfstrople.com

Relationship of applicant to owner [name, representative, prospective buyer, other]: architect

Zoning of property: SR-2

Information required with application (check information submitted):
- [ ] Survey plans or plats, including elevations, showing the setback(s) or special exception(s) being requested (3 sets)
- [ ] Inspection form of property
- [ ] Special Exception Form
- [ ] Plan and/or documentation verifying 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 located by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? sec 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(s) comply with private neighborhood covenants, if any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant: Michael Strople
- Date: 03/19/2021

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

---

**Variance Test:** The Board of Zoning Appeals of Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance where 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. (Sec 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 § 54-119, § 54-276, or sections in Article 9 (also as an attachment if necessary):

request review and approval of proposed plans as submitted to allow for:

- rear addition and front porch extension onto an existing non-conforming structure
- located in the east setback
- proposed improvements stay well under allowable lot coverage and height requirements
- plans fall within all setbacks with exception to existing/non-conforming east setback
- and have support of adjacent neighbors

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.
BOUNDARY SURVEY
73 GORDON STREET
LOCATED IN THE
CITY OF CHARLESTON
CHARLESTON COUNTY, SOUTH CAROLINA

SURVEYOR'S STATEMENT

The undersigned, a duly licensed and registered land surveyor in the State of South Carolina, hereby states that the work performed herein has been done in accordance with the standards and regulations of the American Congress on Surveying and Mapping, and with the knowledge that the work has been completed in a professional and competent manner.

Surveyor
Date

Certificate

City of Charleston, South Carolina

Survey

A001
- the existing lot is of insufficient size for the SR-2 zoning district in which it falls
- there is an existing non-conforming structure on the lot within the east side setback
- requesting 6'-0" side setback relief on the east side for the proposed addition
- there is an existing pattern of development with similar addition within east setbacks as shown
- this proposal only affects one neighbor at 69 Gordon Street, please see the signed letter of support below
To Whom It May Concern

We appreciate that we have had the opportunity to discuss and review the proposed plans, as designed by MJS DESIGN, for the proposed addition and renovation at 73 Gordon Street for Glenn and Helen Wolfe. As illustrated within the drawings, the design allows for a thoughtful, appropriately scaled addition that is separated by a single-story hyphen and remains respectful of the existing main house. We have no objection to the current requests before the City of Charleston Board of Zoning or Architectural Review.

Sincerely,
Jan and Steve Warner
69 Gordon Street
Charleston, SC 29403

[Signature]
Name

[Signature]
Date

2/14/21

[Signature]
Name

[Signature]
Date

2/14/21
Agenda Item #B-3

1531 TRAYWICK AVENUE
(FENWICK HILLS)
TMS # 279-08-00-042

Request variance from Sec. 54-301 to allow construction of an 8-ft. fence to the rear and north side property lines (6-ft. limitation).
Zoned SR-1
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals - Zoning (BZA-Z)

City of Charleston

Instructions - This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on 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 actions 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 by the Board or action of a mining official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED:

Property Address: 1531 Traywick ave, Johns Island, SC 29455

Property Owner: Olga Balyska

Applicant: Olga Balyska

Applicant's Mailing Address: 1531 Traywick ave, Johns Island, SC 29455

Email Address: 4Olga.B@gmail.com

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

Zoning of property: Residential

Information required with application: [check information submit]
☐ Scaled plans or photo, 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 detailed 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, cash or money order (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 contemplated in this permit application? § 6-29.11 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: Olga Balyska

Date: 3/22/2021

For office use only
Date application received
Time application received
Signature
Felt: 1
Receipt
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Requesting a permission to build 8ft fence on 2 sides of our property,

as one side (on Charleston county side) has 8ft fence already.

Front side of the property we will do a 6ft fence with the 8ft gate.

(PLEASE SEE ATTACHMENT addressing 4 questions pertaining to the variance test.)

---

**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 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 § 6-19-4400)

---

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 § 6-14-110, § 6-14-200, or sections in Article 5 (add as an attachment if necessary).

---

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 5, Part 8 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of one (1) month has lapsed.
"Our pool in backyard is built on the same level as the slab at the back door, but since our backyard is sloping down a lot, pool is built about 2ft above the ground in the construction area further away from the house, so after the deck around the pool is built regular height privacy fence would be 3ft tall from the standing by the pool person perspective. For the privacy fence to serve the purpose it would have to be no less than 7ft, but maximum 8ft tall in the sloped area of the back yard, however fence from the street visible side would still be 6ft tall. Its bottom would continue run down to the backyard following the slope, while top of the fence would remain at the same level or slightly lower. So basically, by looking from the street, you would not be able to tell that the fence is higher than 6ft tall."
To whom it may concern,

This is to advise that I, [your name], do not object my neighbor, [neighbor's name], installing a 8' privacy fence adjacent to my property, 1531 Traywick Ave, Johns Island 29455, line but within their property boundaries.

[Signature]

[Print Name]

[Print Your Address]

[Date]
To whom it may concern,

This is to advise that I, [Your Name], do not object to my neighbor, [Neighbor's Name], of 1531 [Street Address], Johns Island 29455, installing a 8' privacy fence adjacent to my property line but within their property boundaries.

[Signature]

[Print Name]

[Print Your Address]

[Date]
To whom it may concern,

This is to advise that I, [Your Name], do not object my neighbor, [Neighbor's Name], of 1531 Travwick Ave., Johns Island 29455, installing a 6' privacy fence adjacent to my property line but within their property boundaries.

Signature

[Signature]

Print Name

[Print Name]

1532 Castlemere Ave.
Print Your Address

4-2-2021
Date
Agenda Item #B-4

5 COMING STREET
(HARLESTON VILLAGE)
TMS # 457-04-03-017

Request special exception under Sec. 54-206 to allow an existing building as an accessory use (office) to an existing church in a DR-2F (Diverse-Residential) zone district.

Request variance from Sec. 54-206 to allow building to encroach within the 25-ft. setback from adjoining property lines.

Zoned DR-2F
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: 04.21.21
Property Address: 10 Coming Street
Property Owner: Grace Church Cathedral
Applicant: Simons, Young
Applicant’s Mailing Address: 3 Morris Street, Suite B
E-Mail Address: simonsyoung@gmail.com
Daytime Phone: 843-723-4575
Daytime Phone: 843-277-0996

Relationship of applicant to owner/agent/representative, prospective buyer, etc.: architect

Zoning of property: DI-2F

Information required with application (check information submitted)
☐ Site plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ Permits for new construction or additions within a Roadway, zone HVU, units and zones on stone plans
☐ Site plans with rooms labeled and the total area for each dwelling unit noted are required for all density variances and building additions, unless exempt by the Zoning Board (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)

WSG 10.00 No. This property restricted by any recorded covenants that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

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

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

Applicant: Simons, Young
Date: 04.21.21

For office use only
Date application received
Staff Member
Time application received
Received
Record #
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 its finding 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 § 54-116, § 54-206, or sections in Article 5 (add as an attachment if necessary):

54-206 (c) - special exception use for churches - see accompanying exhibits also

The proposed church use for clergy and administrative staff is temporary before the building is intended to be returned to a residence for one of the clergy at Grace Church. This use is inappropriate to the area that has a commercial store, a dorm, student residence, and city offices on the beach. The proposed church offices are currently at the 1W Office of Westpoint and Coming at 115 Westworth. This building is in need of repairs and is unsafe, with an unsound roof and various structural issues identified by the report from Russell Harris, PE, and the construction list from Hillgrove Construction. The Church is building a new building at 58 Westworth, and the clergy and administrative staff will be relocated to that building. The presence of clergy and administrative staff at 5 Coming will not be an intense use. The clergy and staff will use the existing parking spots at 115 Westworth.

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
Board of Zoning Appeals
c/o Lee Batchelder
2 George Street
Charleston, SC 29401

RE: Grace Church request for special exception for Church use

Mr. Chair and members of the Board,

Grace Church is applying for 54-206 (c) to allow a Church use in the house at 5 Coming Street. The church requests this temporary use in order to move out of the unsafe conditions at their current clergy and administrative staff building, located nearby. The Church has received preliminary BAR and preliminary TRC approval for construction of a new building at 98 Wentworth, and as soon as this building is ready the Church will move this use into that building.

54-206 (c) requires that off street parking spaces be provided and that the building not be within 25' of a neighboring property line. Off street parking will remain at the Church's nearby parking at 115 Wentworth. The nature of the existing building and lot does not allow for a 25' separation. The total lot width is approximately 35', with approximately a 18' wide building and an 18' wide porch. Please take into consideration the following items when examining this particular case:

1. This portion of the church is a low impact use, with daytime hours of operation and use by clergy and administrative staff.

2. Meetings take place at 98 Wentworth, on the 1st or 2nd floor of the parish building. 5 Coming Street is not a place for large gatherings or meetings.

3. The outreach program that helps to address needs of neighborhood residents (grocery certificates, meals, etc.) will move out of 115 Wentworth to 98 Wentworth. Regular visits with neighborhood residents will not occur at 5 Coming Street.

4. This building at 5 Coming has few windows on the north elevation. This affords a maximum amount of privacy for the building at 7 Coming Street. This is typical of single houses, sometimes referred to as "north side manners."

5. 3 Coming Street has very few windows on its north elevation. It is separated as much as is reasonably possible from the building at 5 Coming Street. This affords privacy and separation for 3 Coming Street.

For these reasons we request that the Church be allowed to respectfully make use of this 35' wide property on a temporary basis before moving into their new offices. At the time that the temporary use is complete, the church will return it to a residential use and would gladly accept that as a condition of any approval.
5 Coming Street

1. Request for use as temporary Grace Church offices. Current offices are located on the corner at 115 Wentworth; conditions have become unsafe.

2. Plans for new offices have received preliminary BAR approval and are in review at the city TRC.

3. After new offices are ready, this will be turned back to a residential use as a rectory or home for one of the clergy.

4. Parking at 115 Wentworth St., the existing corner offices for Grace Church, will continue to be used to accommodate clergy and administrative staff that will temporarily occupy this building.
The pre-Revolutionary house at 19 Tradd Street was purchased as the rectory for the Meadowcroft. It was the last permanent rectory owned by the church.

Previous Rectory from By Grace Through Faith, a history of Grace Church, Charleston 1846-1999
drawings not to scale, layout is presented here to show existing and proposed uses. No changes to structure or interior walls
Agenda Item #B-5

10 WESTEDGE STREET-DEFERRED
(WESTSIDE)
TMS# 460-00-00-014

Request special exception under Sec. 54-206 (y) to allow a late night use restaurant and bar within 500 feet of a residential zone district.

Zoned GB