This meeting is being recorded.
Your Board of Zoning Appeals-Zoning Members are:

John Bennett
Bill Goodwin, Jr.
Allison Cannon Grass

Howell Morrison
Robben Richards
Jeffrey Tibbals

Your City of Charleston Staff are:

Lee Batchelder, Zoning Administrator
Scott Valentine, TRC Coordinator

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

This meeting is being recorded.
Meeting Protocol

Order on Each Application:

• Chair announces each application
• Staff presents application and City’s recommendation. Staff will control slide presentation
• If recommendation is favorable and no one objects to the application, usually the Board treats application as uncontested and passes it
• If there is an objection, applicant and anyone else in favor, after being sworn in, will be allowed to speak on the application. Each speaker will be sworn in before speaking. Each speaker should state their name and address for the record
• Next, opponents, after being sworn in, can speak followed by a short rebuttal from the applicant
• The Board then closes the public hearing on that application and opens discussion for Board members

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 May 3, 2022 BZA-Z Minutes

https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/05032022-7436
Request variance from Sec. 54-301 to allow construction of a single-family residence with a 1-ft. east side setback, a 3.5-ft. west side setback, a 4.5-ft. total side setback (3-ft., 9-ft. and 15-ft.).

Zoned GB
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z) No.

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 1, 2022

Property Address: 8 Cleveland Street

Property Owner: Charleston Development Company, LLC

Daytime Phone: 843-324-1161

Applicant: Julie O’Connor - American Vernacular, Inc

Daytime Phone: 843-345-7248

Applicant’s Mailing Address: 151 Sheppard Street, Charleston, SC 29403

E-mail Address: julieoconner@americanvernacular.com

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

Zoning of property: GB

Information required with application: (check information submitted)

☒ Scaled plans or 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 – As this Property requesting 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 true, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant: Julie O’Connor

Date: 1/27/22

For office use only

Date application received

Jefferson

Fee $ 0

Time application received

Receipt # 0

BZA-Z Application (continued)

Page 2 of 2

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

Requesting variance to east and west setbacks and total setbacks and parking. The lot is 17’ wide and the total setback required by ordinance is 16’ - We are proposing a single family residence that meets all other setbacks and lot coverage requirements. We can probably park 2 cars in the front side-by-side, but the lot does not meet the required width of 2 parking spaces of 18’.

1. The extraordinary and exceptional conditions are that the lot is only 2’ wider than the required setbacks, is a lot of record, and the setbacks would prevent any development.

2. Other properties in the vicinity are either significantly wider or do not meet their setbacks either.

3. As mentioned above, the remaining width of the lot, if required setbacks were used; would be around 2’ which would prohibit building anything on this property.

4. The construction of a single family residence in this residential neighborhood would not be a detriment and would enhance the neighborhood by continuing the streetscape and eliminating a vacant piece of land.

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

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

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

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

4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

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

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-204a, 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.
EXISTING CLEVELAND STREET SITE ELEVATION

PROPOSED CLEVELAND STREET SITE ELEVATION
Request variance from Sec. 54-301 to allow construction of a detached single-family residence with a 6-ft. south side setback, a 9-ft. total side setback (9-ft. 15-ft. required). Zoned DR-1
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals - Zoning (BZA-Z)

City of Charleston

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

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

MEETING DATE REQUESTED: MAY 17, 2023

Property Address: 327 F STREET TMS # 491-16-03-054
Property Owner: HOWARD RABER
Applicant: PATRICK GREFFIE (AGREEMENT SIGN) Daytime Phone: 843-992-2790
Applicant’s Mailing Address: 71 FLEMY RD BLVD, CHARLESTON, SC 29407
E-Mail Address: PATRICK@ARISERIGHTS.COM

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

Zoning of property: 

Information requested with application:
 □ 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-7AVC 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 (4 sets).
 □ Checks, credit card or cash (make checks payable to the City of Charleston).
 □ YES or NO: Is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 9-29-1145 of the South Carolina Code of Laws.

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

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

Applicant

Date: 4-13-2023

Page 2 of 2

BZA-Z Application (continued)

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):
REQUEST VARIANCE FROM SECTION 27-331/MABLE 31 TO ALLOW CONSTRUCTION OF A SINGLE FAMILY RESIDENCE WITH A 6' SOUTH SIDE SETBACK AND COMBINED 9' SIDE SETBACKS (6' SOUTH AND 6' COMBINED, NORTHERN)

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

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

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401 (843) 724-3181 www.charleston-sc.gov/zoning
RE: Variance Test Questions/Answers

37C F St, Charleston, SC 29403

1. Are there extraordinary and exceptional conditions pertaining to the particular piece of property?
   a. The exceptional condition for the property is that the existing lot size is not large enough to construct a single family residence if the variance and special exception are not granted.
   b. The owner and design team recognize that the previous building and what remains of the existing façade was constructed as an attached dwelling. A new attached dwelling is not feasible due to a new structure needing to meet current flood codes.

2. Do the zoning conditions generally apply to other properties in the vicinity?
   a. Many of the neighboring properties along F Street are narrow and have houses constructed within current setback requirements. The proposed house fits in with the neighborhood lot layouts.

3. Because of these conditions, would the application of the ordinance to the particular piece of property effectively prohibit or unreasonably restrict the utilization of the property?
   a. Current zoning regulations make the lot unbuildable for a detached single family residence. A large majority of the properties on F Street are detached single family houses. The current regulations only allow for an attached dwelling unit to be constructed, but would be unfeasible to meet current flood ordinances.

4. Will authorization of the variance be of substantial detriment to the adjacent properties or to the public good, or will the character of the district be harmed by the granting of the variance?
   a. Most of the properties in the neighborhood have detached single family homes on small lots. A new detached single family with the variance will be in line with the existing nature of the neighborhood and character of the area. Approval will also allow for the removal of a derelict structure further enhancing the neighborhood. The overall impact with variance approval would be positive for the area.
Request special exception under Sec. 54-110 to allow construction of a detached accessory building that extends a non-conforming 5-ft. east side setback and a non-conforming 12-ft. 3-inch side street setback (9-ft. and 25-ft. required).

Request variance from Sec. 54-301 to allow construction of a detached accessory building with an 11.9-ft. rear setback (25-ft. required).

Zoned SR-2
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):

The extraordinary condition pertaining to this particular piece of property is that the existing lot on record was built prior to current zoning laws going into effect. Given that the lot cannot get any wider or deeper, it is not possible to follow the current zoning ordinance (Zoning Ordinance Sec. 54-54.05) of a 25’ setback from each side of the property. The application of the current ordinance to the particular piece of property would effectively prohibit the utilization of the property as a 25’ setback from each side of the property is not possible. The application of the variance will not be of substantial detriment to the adjacent properties, or to the public good, as we are increasing or keeping the setback the same from what currently exists and improving the value of the property. Currently we have an unusable metal corrugated carport with less than 1 foot setback off the side property line on the S. Enston Street side of the lot. We are requesting this variance to remove this eyesore and build a more functional awning/veranda that will be in-line with the character of the neighborhood.

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 would 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 and 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):

We are requesting a special exception to Zoning Ordinance Sec. 54-506-Exceptions to setback requirements. Currently we have an existing encroachment of a carport that has a 41 foot setback on the left side (S. Enston Street) property line and a 53’ setback on the right side property line (adjacent to 46 Poplar Street). This structure was here when we purchased the home in February 2019. Our plans are special exception for approval for a greater left side setback than currently exists, and a similar 50’ setback on the right side setback. We are not creating an adverse reaction, but are attempting to bring value to the neighborhood by removing an ugly, unusable, corrugated metal carport, and replacing it with a more functional garage structure that will be in-line with the architecture of the neighborhood. Given the depth and width of the existing lot, which was built prior to the current zoning laws going into effect, we cannot achieve a 25’ setback; but can provide a minimum of a 50’ setback on both the sides and rear of the property.

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

SCALE 1" = 8'

POPLAR STREET 60' R/W

PROPOSED COVERAGE

TOTAL LOT AREA 4,771 SQFT
1ST FLOOR 1,181 SQFT
PORCH AND STAIRS 290 SQFT
DETACHED ACCESSORY BLDG. 600 SQFT

TOTAL COVERAGE 2,071 SQFT
TOTAL COVERAGE % 43.4%
RE: 48 Poplar Street – Proposed Accessory Building Project

For: BZA-Z Board of Architectural Review Meeting May 17, 2022

To Whom it May Concern,

TOMAS JAKUBEX, residing at

63 MAPLE ST., CHARLESTON, SC 29403,

have seen the building plans presented for

permitting at 48 Poplar Street, Charleston, SC 29403 for an Accessory Building and I am supportive of

this project.

Sincerely,

[Signature]
Request variance from Sec. 54-301 to allow an 8-ft. fence along rear property line (6-ft. height limitation).

Zoned PUD (Beresford Hall)
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals - Zoning (BZA-2)  
City of Charleston

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

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

MEETING DATE REQUESTED: March 3, 2022

Property Address 107 Royal Assembly Drive Charleston, SC 29402  TMS #: 268-10-01-015

Property Owner Roseann Drew & Loretta Brown  Daytime Phone 843-901-6446
Applicant Loretta Brown  Daytime Phone 843-891-6446

Applicant’s Mailing Address 107 Royal Assembly Drive Charleston, SC 29402

E-mail Address lorettabrown@gmail.com

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

Zoning of property 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 ☐ NO Is this Property excluded 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.

Loretta Brown

Applicant Date 04-15-22

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

Respectfully requesting an 8’ privacy fence at the rear property line which separates our neighborhood, Beresford Hall, from the adjacent neighborhood, Martin's Creek behind our property. A new elevated home has been built in the lot behind our property and privacy is essential. Our neighborhood, Beresford Hall is gated and residents from Martin's Creek trespass into our neighborhood from the rear of our property. We find this a hardship on our lot and will impact its value without added height for privacy, comfort and security.

Please note that Beresford Hall has approved this 8’ variance. Please see tax map notations and letter 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 § 6-29-809)

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):

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
Permit approves the installation of a 6' fence in an undisturbed buffer as approved by Neighborhood ARB.
April 12, 2022

Omar Muhammad
Associate Zoning Planner
Permits & Zoning, City of Charleston
PO Box 22009
Charleston, SC 29413

SUBJECT: Coy & Lorelie Brown Fence

Dear Mr. Muhammad,

The Beresford Hall Assembly Design Review Board (DRB) hereby confirms that we approved the privacy fence at the rear of the lot for Coy and Lorelie Brown at 107 Royal Assembly Drive, Charleston, SC 29492. This approval includes granting a variance for the fence location at the rear property line instead of inside the 10’ rear nature curtain and 15’ rear setback. We also granted a variance for the 8’ fence height.

The DRB appreciates any assistance you can provide the Browns. Should you have any questions, please feel free to contact me directly at kmahms@bacl.com or (248) 864-6985.

On behalf of the Beresford Hall Assembly Design Review Board,

Sincerely,

Blake Wilms
DRB Chairman

Please send mail DRB Correspondence to:

BHA DRB, c/o
Yohana Lalloch
Community Association Manager
Scoby Management Inc.
4401 Leeds Avenue Suite 120
North Charleston SC 29405
843-795-0190 Ext. 5170
843-795-0191 (fax)
drberesford@scsprov.com
Agenda Item #B-4

462 CESSNA AVENUE
(CITADEL WOODS)
TMS # 350-09-00-192

Request variance from Sec. 54-301 to allow an 8-ft. fence along rear property line (6-ft. height limitation).

DR-9
Application for Variance, Special Exception, Recategorization, 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 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.
- Consideration 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: May 17, 2022

Property Address: 467 Cessna Ave Charleston SC 29407

Property Owner: Michael R. Mitch Walsh

Applicant: R. Mitch Walsh

Applicant’s Mailing Address: 467 Cessna Ave Charleston SC 29407

Daytime Phone: 843-697-6410

Daytime Phone: 843-697-6410

Email Address: mitchwals@gmail.com

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

Zoning of property: Residential

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

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

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

Applicant: R. Mitch Walsh

Date: 4/13/22

For office use only

Date application received: 4/7/22

Time application received: 11:30 AM

Review by:

Page 2 of 2

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

We are requesting a variance to add an 8 foot fence only to the back of our property. Recently, Dominion Energy removed all vegetation in the right of way behind our home. The Greenway is elevated allowing our entire yard and back of house to be seen as well as safety issues with minor child playing outside being able to be seen.

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

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

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

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

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

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

5/19
Photo taken from the West Ashley Greenway facing the rear of 462 Cesna Ave, direct view into child's bedroom window.

Photo showing corner of fence, and easy access to yard. Photo taken from the West Ashley Greenway facing the rear of 462 Cesna Ave.
Charleston Water Systems truck, back tires almost fully exposed on the West Ashley Greenway. Photo taken from back door.
Jogger and close-up photo taken from back door.
Person walking by, photo taken facing West Ashley Greenway.

Person riding a bike, photo taken standing in back yard by child's bedroom window facing West Ashley Greenway.
Person walking, photo taken in back yard by child's bedroom window, facing West Ashley Greenway.

Same person walking, photo taken in back yard by child's bedroom window, facing West Ashley Greenway.
Another vehicle. Photo taken from back yard facing the West Ashley Greenway, and standing by child's bedroom window.
Request variance from Sec. 54-301 to allow a 2-story detached accessory building with a 3-ft. west side setback and 3-ft. rear setback (9-ft. and 25-ft. required).

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

To the Board of Zoning Appeals – Zoning (BZA/Z)

City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Peet Office 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 unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED

Property Address: 1316 Julian Clark Road, Charleston, SC 29412

 TM #: C1265050016

Property Owner: Carter Bagley

Carter Bagley

Daytime Phone: 901-229-2229

Applicant: Carter Bagley

Carter Bagley

Daytime Phone: 901-229-2229

Applicant’s mailing address: 1316 Julian Clark Road, Charleston, SC 29412

E-mail Address: bagleycarter@gmail.com

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

Zoning of property: S.R.1

Information required with application (check information submitted):

☒ Scaled plans and/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 HWRC units and platform on scaled plans
☒ Select 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 Zone staff (3 sets)
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☒ Check, credit card or cash (makes checks payable to the City of Charleston)
☒ R 5% NO 10 This property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the proposed land use encompassed in the 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

Certificate 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 this Board hearing in prospect.

Applicant: Carter Bagley

Date: 4/18/22

For office use only:

Date application received:

Time application received:

Staff person:

File:

Received:

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 an attachment if necessary): See attached.

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 § 54-410, § 54-206, or sections in Article 5 (add an attachment if necessary):

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

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

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

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

1. The extraordinary and exceptional conditions pertaining to the particular piece of property are related to have a grand tree, septic field in the backyard, and flood zone. Also, there is an existing storage structure that is already encroaching into the setback and therefore the reason for the variance needed. Moving the structure could cause damage to the grand tree. The existing septic field push the proposed structure to where the setback requirements could not be met. The grand tree needs to be protected and any structures should be avoided in this area. Therefore, a rear and side setback variance to allow 3 ft is requested. Also, due to the flood elevation of 11 and the existing ground being elevation 8, I request a height variance due to this hardship. The estimated height of the attatch is 21.5 ft tall and needs to be 5.5 ft above the floodplain due to the water being provided to the structure. This would put the top elevation at 27 ft.

2. Many other properties in the vicinity already have more than one structure that is within the required setbacks and therefore the conditions don’t apply. Also, many houses do not have a pool. So with the pool, grand tree, and septic field in the back yard, there is limited space to build another structure which is not the case with other properties.

3. These conditions unreasonably restrict the utilization of the property.

4. The authorization of the variance will not be of substantial detriment to adjacent properties or to the public good. Also, the character of the district will not be harmed by the granting of the variance. I have contacted my adjacent property owners and others and have only received support from them.
PROPERTY LOCATION, TMS NUMBERS, AND DESCRIPTION OF REQUEST:

1316 JULIAN CLARK RD. (CLARKS POINT) (456-05-00-016)

Request variance from Sec. 5.4-201 to allow a detached accessory building with a 5-ft. west side and 3-ft. rear setback (9-ft. and 25-ft. required).
Request variance from Sec. 5.4-201 to allow a hvac platform with a 3-ft. west side setback and 20-ft. rear setback (9-ft. and 25-ft. required).
Zoned SR-1

Order on Special Exception Request

The Board of Zoning Appeals found it necessary to consider the above appeal for a special exception which may not be granted by the Board pursuant to the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

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

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

Date Issued: 
Chairman:

Order on Variance Requests

The Board of Zoning Appeals found it necessary 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: 
Chairman:

Suggestions for approval are:

Approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Section 14-N.4. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
12x20 Side Lofted Barn

Dimensions: 12x20

Description: Features Galvalume metal roof, 72" double wood doors, (2) 48" wood doors, (2) 6' lofts, (2) 2x3 windows, 16" OC walls and floor joists, radiant barrier upgrade, Driftwood Urethane finish, 150 MPH wind rated
NOTE: ALL DIMENSIONS SHALL BE FIELD VERIFIED PRIOR TO CONSTRUCTION AND ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT FOR JUSTIFICATION AND/OR CORRECTIONS. BUILDER/OWNER SHALL ASSUME LIABILITY FOR ERRORS THAT ARE NOT REPORTED THE INFORMATION CONTAINED IN THESE PLANS ARE LIMITED TO THE OBSERVATION OF THE INFORMATION AND CONDITIONS AS PROVIDED BY YOU THE HOME OWNER. COOK DESIGN STUDIO INC. ASSUMES NO LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS IN WHOLE OR IN PART.

To the best of my knowledge these plans are drawn to comply with owner's and/or builder's specifications and any changes made on them after prints are made will be done at the owner's and/or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawings. Cook Design Studio Inc. is not liable for errors once construction has begun. While every effort has been made in the preparation of these plans, the possibility of error is always present. The contractor, builder, and the owner are responsible against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter.

Homeowner will take the necessary precautions to remove or relocate items of value to be reused and/or saved, in any plans or being damaged due to construction process. Contractor shall verify all dimensions and conditions on site before construction begins. Any discrepancies shall be reported to Cook Design Studio Inc. for corrections before proceeding with construction. Contractor and/or owner shall assume responsibility for errors that are not reported.

PRELIMINARY DRAWINGS ONLY
THESE DRAWINGS ARE FOR REVIEW ONLY
NOT FOR USE IN CONSTRUCTION

A1 2021-01-01
Date: 7/30/21

City of Charleston
Zoning Division
2 George St.
Charleston, SC 29401

To Whom it May Concern:

This letter should stand as our approval for Carter and Suzanne Bagley, 1336 Julian Clark Road, Charleston, SC, to have a new building installed at this address in accordance with the plans they provided to me and submitted to the City. We have discussed the plan with Carter and have no objection to it.

I am a current homeowner and neighbor.

Please accept this as my approval for the new building.

Sincerely,

[Signature]

Chris Stuffle
1833 Julian Clark Rd.
Date: May 30, 2021

City of Charleston
Zoning Division
2 George St.
Charleston, SC 29401

To Whom It May Concern:

This letter should stand as our approval for Carter and Susanne Bagley, 2356 Julian Clark Road, Charleston, SC, to have a new building installed at this address in accordance with the plans they presented to me and submitted to the City. We have discussed the plan with Carter and have no objection to this.

I am a current homeowner and neighbor.

Please accept this as my approval for the new building.

Sincerely,

[Signature]

[Name]

[Title]

Charleston, SC
29412
Request variance from Sec. 54-301 to allow a 1-story covered patio addition with a 48% lot occupancy (35% limitation; existing lot occupancy 44%).

Zoned SR-5
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: May 17, 2022

Property Address: 71 King St, Charleston, SC 29401 TMS # 4571601010

Property Owner: Gemini Nicholas
Phone: 843-509-4610

Applicant: Julie Keyes, Fortress Architecture Studio
Phone: 864-426-0378

Applicant’s Mailing Address: 3595 Berryhill Road, Johns Island SC 29455
E-mail Address: julie@fortressarchitecture.com

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

Zoning of property: SR-5

Information required with application: [check information submitted]
- Scale drawings of property and/or maps, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- For new construction or additions within a flood zone, show NAVC units and platform on scale plans
- Scale 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 provision requirements (3 sets)
- Check, credit card or cash (make checks payable to the City of Charleston)
- YES: [ ] 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 posted with a notice of the Board hearing and inspected.

Applicant: Julie Keyes
Date: 4/18/22

For office use only
Date application received: __________ Time application received: __________
Staff person: __________ Fee: $ __________ Receipt #: __________
Variance Test

1. There are extraordinary & exceptional conditions pertaining to the property

The increase in lot coverage request is to add a roof over an existing raised patio. The existing patio is 27” above the existing adjacent grade and therefore not currently included in the lot coverage. Also, there is currently no covered outdoor space for the house.

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

The “L” shaped house on the corner lot creates conditions that are unique from the other houses in the area.

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 house does not have any covered outdoor space for the courtyard. The facade is south-facing and the roof would provide solar protection and energy savings. The net increase in lot coverage is less than 200 square feet, but it has no further soil disturbance.

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

The new construction will have no impact on surrounding properties. It is at the back of the house and will be minimally visible from the public right of way. The additional lot coverage does not encroach into any setback. The owners will provide the neighbors at 97 Tradd St. and 69 King St. with a copy of the application and ask for letters of support.
PHOTOS OF INTACT EXISTING RAISED PATIO PRIOR TO TEMPORARILY REMOVING THE SLAB FOR SOIL REMEDIATION

PHOTO OF EXISTING RAISED PATIO (SLAB TEMPORARILY REMOVED FOR SOIL REMEDIATION)
1 | EXISTING WEST ELEVATION
SCALE: 1/4" = 1'-0"

2 | PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"
Hi Penny,

We were unable to include this in the submittal deadline yesterday, but we did confirm that we have support from the affected neighbors at 71 King St for our proposed covered patio. This includes 97 Tradd and 69 King St.

Thanks,
Julie

---------- Forwarded message ----------
From: Gerrit Nicholas <gerrit.nicholas@gmail.com>
Date: Tue, Apr 19, 2022 at 5:10 PM
Subject: Re: 71 King St. BZA Zoning Application
To: Julie Keyes <julie@fortressarchitecture.com>
Cc: Alexandra Nicholas <myaascalleston@gmail.com>

I have now spoken to the folks at 97 Tradd and at 69 King and both parties are very supportive of our new covered patio.
Agenda Item #B-7

CENTRAL PARK
TMS # 340-03-00-007

Request variance from Sec. 54-301 to allow construction of single-family residences on lots (1-38) that exceeds the 2 ½ story height restriction for the SR-1 (Single-Family Residential) zone district, because the home’s designed drive-under garage constitutes a 3rd story under Sec. 54-120.

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 the agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals - Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
- 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: May 17, 2022

Property Owner Address: Central Park Road, James Island, SC 29412

Property Owner: Central Park Road, LLC

Applicant: Lesemann & Associates, LLC

Applicant's Mailing Address: 418 King Street, Suite 301, Charleston, SC 29403

E-mail Address: ml@latwsc.com; nms@latwsc.com

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

Zoning of property: 3R-1 (Cluster)

Information required with application: (check information submitted)
- Scattered 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.
- Scattered 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 at 50% - is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

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

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

Applicant: ___________________________

Date: April 18, 2022

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, § 54-209, or sections in Article 5 (add as an attachment if necessary).

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

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

In granting a variance, the Board may attach to such conditions regarding the location, character, 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)

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

Central Park Road, LLC (the “Applicant”) seeks a variance from the strict application of the City’s recently adopted revisions to: (i) the definition of the term “story” under City Ordinance Section 54-120; and (ii) provisions of City Ordinance 54-505(e), which allows for certain properties to have a crawl space exceeding six (6) feet in height in some cases. The purpose of this variance request is to allow for the consistent construction of resilient homes with elevated crawl spaces on all thirty-eight (38) lots within a new cluster development, rather than only on some of them.

As the Applicant recently confirmed with the City, some of the lots appear to already qualify for an elevated crawl space. However, others would appear to not qualify. This is due to: (i) recent changes in the Base Flood Elevation(s) of the lots; (ii) site modifications necessary to meet the regulatory requirements imposed by the City on this project; (iii) the City’s recent amendments to its Ordinances; and (iv) inherent variations in topography within the site. Through this request, the Applicant would be able to use elevated crawl spaces notwithstanding recent regulatory changes or inherent variations. Otherwise, the application of the City’s ordinances results in arbitrary outcomes in an area where consistency should be achieved, as increased resiliency is a community goal.

Relevant Provisions of the City’s Ordinances

There are two (2) relevant provisions of the City’s Ordinances for purposes of this variance request, which were modified/adopted in December 2021. The first is the definition of “story.”

Story. That portion of a building included between the surface of any floor and the surface of the next floor above, or if there be no floor above it, then the space between such and the ceiling next above it. Except as provided in Sec. 54-305-e, a crawl space that exceeds six (6) feet in height from the floor to the bottom of the horizontal floor structure above shall count as a story.

See City Ordinance § 54-120 (emphasis added) (the underlined portion of the provision above was recently added to the definition through the adoption of Ordinance 2021-172 on December 7, 2021). Previously, the definition of story did not make specific reference to crawl spaces.

In addition to revising the definition of “story,” the City also added a section to the existing set of exceptions to height requirements, allowing for certain properties to have an elevated crawl space (i.e., more than six (6) feet) based on the relationship between the “crawl space floor” (i.e., the ground) to the Flood Insurance Rate Map (FIRM) Base Flood Elevation:

- Properties in the Conservation, RR-1, SR-1, SR-2, SR-6, SR-7, and STR zoning districts located within a Flood Insurance Rate Map (FIRM) special flood hazard area where the elevation of the crawl space floor is not more than one and one-half (1½) feet above the FIRM Base Flood Elevation prescribed by the FIRM, as defined in Sec. 27-103 of the Code of the City of Charleston, shall be permitted to have a crawl space exceeding six (6) feet in height that does not count as a story, provided that the building height limitation in feet for the zoning district is not exceeded.

See City Ordinance § 54-505(e). The one and one-half (1½) foot limitation is what necessitates this request.

The “crawl space floor” is the ground’s surface. On certain lots in Central Park, the relationship between the crawl space floor and the FIRM Base Flood Elevation is net. However, on others, it is not, although it would have been under the Flood Rate Insurance Maps that were in place prior to last year when this project was designed, planned, and approved. Additionally, the entirety of the site is located in a Special Flood Hazard Area Zone (as defined by FEMA) and has also been designated as a “Special Protection Area” by the City, which has required the project to meet additional criteria due to the City’s determination that the site is an “area associated with flooding.” For these reasons, the requested variances should be granted, even if 1½ foot relationship is exceeded in certain cases.

Elevation is a Key Component of Resilience

Throughout our City, both existing homes (including protected historic structures) and newly constructed homes are incorporating the benefit of elevated crawl spaces. This is recognized to be an extremely important tool to increase resilience. As was noted in the Final Report of the Dutch Dialogues, “Elevation is salvation from inundation. Elevation is critical in low-lying places, and awareness of place translates to informed action.” See Final Report of the Dutch Dialogues™ Charleston, at p. 38.4

Also, the Final Report noted that within a coastal zone, there is a stated goal of having “pockets of resilient, elevated communities, able to adapt to storm, surge and sea level rise outside of the primary coastal defense system.” Id., at p. 59. In Transition Zones, which are defined as being between 10’ and 15’ in land elevation, elevated construction is recommended and specifically “skirted, elevated homes” as the Applicant seeks to do within Central Park. Id., at 80. Within the section of the Final Report devoted to Church Creek, another area that has been designated by the City as a “Special Protection Area” for purposes of stormwater regulations, elevation is specifically recommended for new construction. Id., at p. 113. Elevating homes to increase resilience is recognized and recommended by FEMA as well. See, e.g., “Protect Your Property from Flooding” (available at: https://www.fema.gov/sites/default/files/2020-11/fema_protect-your-home_floodwise.pdf.)

These practices and recommendations are applicable to Central Park. The project team for Central Park, SeamonWhitsette, has prepared the attached statement of support for this variance request to allow for elevated crawl spaces within the Central Park development. See Statement of Hassan Ismail, Ph.D., dated April 4, 2021 (copy attached as Exhibit E). Dr. Ismail highlights the recognized importance of resilience in construction design, which has become a focal point and mission on the part of the City.

3 A copy of the City Ordinance 2021-172 is attached as Exhibit B.

A photograph of a new residence with an elevated crawl space that applicant seeks to build in Central Park is attached as Exhibit E. This was recently built by Crocket Homes SC, LLC in the Avenue of Oaks development, which is located within the Maryville section of the City. Additionally, a set of sample elevations for three different models is attached as Exhibit E.

4 A copy of the cited excerpts of the Final Report are attached as Exhibit E. The full report can be accessed at: https://www.historiccharleston.org/dutch-dialogues/.
Application of the City’s Variance Test

As noted above, there are extraordinary and exceptional conditions pertaining to the lots. First, the lots are both: (i) a FEMA Special Flood Hazard Area Zone; and (ii) designed by the City as a “Special Protection Area,” based on the City’s internal determination that it is an “area associated with flooding.” The City’s designation of the site as a Special Protection Area occurred during the design review process, which elongated the already exhaustive, four-year review with the City’s Technical Review Committee (“TRC”).

During those four years, the Base Flood Elevation of the lots decreased based upon the issuance of revised Flood Insurance Rate Maps by FEMA. Then, in December 2021, the City enacted Ordinance 2021-172, which placed a new, specific limitation on the use of elevated crawl spaces that causes some of the lots to be eligible for elevated crawl spaces, but not others.

Central Park is a “cluster development,” a technique that maximizes green space by allowing for the clustering of homes and related infrastructure. It is likely to be the last cluster development that is built within the City of Charleston, as the City removed the availability of “cluster zoning” from future projects by deleting this zoning designation from the City’s ordinances in the Spring of 2021. For these reasons, the conditions outlined above do not generally apply to other properties in the vicinity.

When planning Central Park, a process began in 2017, the Applicant has continuously intended to utilize plans that include an elevated crawl spaces (or “drive under” design). This allows for the goals of cluster development to be realized, as cars and items of personal property can be located within the footprint of the structure. Another important feature of the cluster design is that it reduces the overall amount of impervious surface.

The cluster zoning, lot design, and overall land planning have been undertaken with the intention to have elevated crawl spaces. As noted above, some of the lots qualify under the City’s recent revisions to its Ordinances. However, others do not. The distinction is largely arbitrary, as the use of one and one-half feet (1 1/2) feet as the limit, as opposed to two and one-half (2 1/2) feet, for example, has no apparent basis. The result of the distinction is that lots within a development that vary just six (6) inches in elevation are treated differently, rather than allowing for them to be utilized in a more consistent manner. Due to these conditions, the application of the Ordinance to the particular piece of property would unreasonably restrict the utilization of the property.

The benefit of promoting resilience in the design and building of new construction is recognized. Being allowed to deploy such techniques within areas that have been designated by FEMA and the City as areas of elevated concern makes good common sense. By allowing for the consistent, rather than occasional use of elevated crawl spaces, the resilience of the entire development (and surrounding areas) is promoted. For these reasons, the authorization of a variance will not be of substantial detriment to adjacent property or to the public good.
EXHIBIT A
Approved Preliminary Plat
TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) ARTICLE 2-GENERAL PROVISIONS, PART 3-DEFINITIONS, SECTION 54-120-DEFINITIONS AND ARTICLE 5-EXCEPTIONS AND MODIFICATIONS, PART 2-EXCEPTIONS TO HEIGHT AND SETBACK REQUIREMENTS, SECTION 54-505-EXCEPTIONS TO HEIGHT REQUIREMENTS

THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS IN CITYCOUNCIL ASSEMBLED:

Section 1. That Article 2-General Provisions; Part 3-Definitions; Section 54-120-Definitions; Story be amended as follows:

Story. That portion of a building included between the surface of any floor and the surface of the next floor above, or if there be no floor above it, then the space between such and the ceiling next above it. Except as provided for in Sec. 54-505-e, a crawl space that exceeds six (6) feet in height from the floor to the bottom of the horizontal floor structure above, shall count as a story.

Section 2. That Article 2-General Provisions; Part 3-Definitions; Section 54-120-Definitions be amended by inserting the following definitions in alphabetical order:

Crawl Space. Crawl space is defined as an underfloor space that is not a basement, is designed to preclude habitable space, and is located beneath the lowest finished (habitable) floor.

Special Flood Hazard Area. SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled on Flood Insurance Rate Maps as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AD, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30.

Section 3. That Article 5-Exceptions and Modifications; Part 2-Exceptions to Height and Setback Requirements; Section 54-505-Exceptions to Height Requirements be amended as follows:

Sec. 54-505. Exceptions to height requirements.

In all areas covered by this Zoning Ordinance, except in those areas covered by the Old City Height Districts as described in 54-305, the following exceptions shall apply:

a. The height limitations of this Chapter shall not apply to church spires, bellfries, cupolas and domes not intended or used for human occupancy; monuments, water towers, observation towers, transmission towers, masts and aeries, provided that such uses are not within the aircraft landing approach zone. Whenever any of the above uses are proposed within aircraft approach zones, an applicant must submit written approval received from the proper aeronautical authorities before a building permit may be issued.

b. In any General Business, Gathering Place, Urban Commercial, Business Park, or Light Industrial district, the maximum height for a communication tower shall be determined by Section 54-207. c. In any Heavy Industrial district, the maximum height for a communication tower shall not exceed four hundred (400) feet provided the tower is located no closer to a residential or conservation zone property than a distance equal to one-half (1/2) the height of the proposed tower and no closer to the centerline of a public right-of-way than a distance equal to one-third (1/3) the height of the proposed tower. In any Light Industrial or Heavy Industrial district, the maximum height of any non-residential structure may be increased to eighty (80) feet provided the structure is set back from all property lines a minimum distance equal to the total height of the structure.

c. In any Conservation, RR-1, SR-1, SR-2, SR-6, SR-7 and STR zoning districts, the height of a dwelling may be increased to forty (40) feet, but not exceed 2½ stories, provided that the width of each side yard required by Table 3.1 for the districts in which the building is located is increased a distance equal to at least two times the added height of the buildings above the thirty-five (35) foot limitation of the district.

d. Properties in the Conservation, RR-1, SR-1, SR-2, SR-6, SR-7 and STR zoning districts located within a Flood Insurance Rate Map (FIRM) special flood hazard area shall be permitted to have dwellings with a maximum height, not to exceed forty-seven (47) feet or 2½ stories, whichever is less, based on the following formula: (FIRM base flood elevation + two feet of additional freeboard - lowest curb line elevation adjacent to the site + 35).

e. Properties in the Conservation, RR-1, SR-1, SR-2, SR-6, SR-7 and STR zoning districts located within a Flood Insurance Rate Map (FIRM) special flood hazard area where the elevation of the crawl space floor is not more than one and one-half (1½) feet above the FIRM Base Flood Elevation prescribed by the FIRM, as defined in Sec. 27-103 of the Code of the City of Charleston, shall be permitted to have a crawl space exceeding six (6) feet in height that does not count as a story; provided the building height limitation in feet for the zoning district is not exceeded.

d. In any General Office, Limited Business, General Business, Urban Commercial, Light Industrial or Heavy Industrial district, the height limitations for public buildings, churches, hospitals or schools may be increased to eighty (80) feet, but not exceed six (6) stories; provided that the width of each side yard and rear yard is at least twenty-five (25) feet. In addition, the Commercial Corridor Design Review Board is authorized to permit architectural features such as parapets, cupolas, roof structures, and other similar features, on the above referenced buildings under their review authority, to exceed the eighty (80) foot height limitation but not exceed a total building height of ninety-five (95) feet.
eg. In any General Office, Limited Business, General Business, Urban Commercial, Light Industrial or Heavy Industrial district, the Commercial Corridor Design Review Board is authorized to permit architectural features such as parapets, cupolas, roof structures, and other similar features, on any building under their review authority, to exceed the fifty-five (55) foot height limitation but not exceed a total building height of seventy (70) feet.

f. In any business or industrial district, the height limitation of the district may be exceeded by structures requiring special design on account of their particular use in industry or commerce such as chimneys, stacks, grain elevators, detached water or wireless towers, provided they otherwise comply with the regulations prescribed.

g. In any business or industrial district, chimneys, stacks, elevator bulkheads, elevator penthouses, stair towers, gas or water towers, cooling towers, stage towers or scenery lofts, and other necessary mechanical appurtenances, where permitted by the use regulations of this Chapter and when erected upon and as an integral part of the building, may be erected or extended above the height limit of the district; provided that any such structure shall be set back from the vertical plane of the permitted building setback line one (1) foot horizontally for each two (2) feet of extra height.

Section 4. That these amendments adopted hereby shall take effect and be in full force and effect immediately upon ratification.

Ratified in City Council this 26th day of September the Year of Our Lord, 2021 in the 236th Year of Independence of the United States of America.

By: [Signature]
John J. Tecklenburg
Mayor, City of Charleston

ATTEST: [Signature]
Jennifer Cooke
Clerk of Council
EXHIBIT C
Photograph of Sample Home with Elevated Crawl Space
EXHIBIT D
Sample Elevations for Different Home Models
EXHIBIT E
Excerpts from Dutch Dialogues
# Dutch Dialogues™

**Charleston**

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September 2019

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Report produced by Waggonner & Ball with text contribution from The Water Institute of the Gulf.

September 26, 2021 12:22 AM
A Layered Approach

A layered planning approach begins with Charleston’s most basic layer: its physical ground, the land and water upon which infrastructure and inhabitation, history and culture, are based.

Safety first. Safety is increased through elevation and redundancy. Multiple lines of defense begin outside the city, in the landscape, and are also structured from within. Sustainable inhabitation is connected to deep geology.

Elevation is salvation from inundation. Elevation is critical in low-lying places, and awareness of place translates to informed action. Charleston has areas of stable, relatively high ground, a critical asset in high water.

Know where you are. The Ashley and Cooper are tidal rivers. Shorelines shift across a low landscape, and piers and habitat move with them, if allowed. Healthy ecology supports a healthy economy and can provide protective benefits. Sustainable infrastructure aligns with ecological function. Water in the region must be understood as a holistic system, not isolated and natural in tandem.

Work at multiple scales: Focus on the smallest scale, with an understanding of larger watershed and system functions. Conflicts between and within layers are acknowledged—culture and technology sometimes produce misalignments—and design solutions begin by asking what lies underneath.

Pursue multiple benefits. Single-purpose infrastructure is a poor investment.

No regrets. Make sure action taken now will not compromise future opportunities. Projects should fit within a comprehensive planning vision, but should be able to operate independently with success. Plans must be adaptable over time.

Dutch Sand Engine
This building with the sea project distributes sand along the Dutch coast with the forces of wind and water. Credit: Ramboll

- A robust intertidal and coastal marsh zone, buffering land and sea, with coastal marsh restoration, increased oyster banks and similar “building with nature” components.
- Pockets of resilient, elevated communities, able to adapt to storm, surge and sea level rise outside of the primary coastal defense system.
- A coastal defense alignment, behind which all infrastructure and buildings will be protected against the impacts of storm surge at the defined risk reduction level. This line would consist of coastal dunes, berms, sea dikes, levees and, where necessary (due to spatial constraints), floodwalls. Note: the Dutch have begun using more multifunctional flood protection structures in which primary flood protection and other economic, environmental, mobility or social benefits are combined.
- Gates / Barriers integrated into the coastal defense line to limit storm surge impacts that would occur via open water channels. To lessen ecosystem impacts and ensure normal riverine and tidal exchange and shipping access, movable gates would be required. These are complex structures and can be vertical lift gates or navigable barriers or a combination thereof.
The ecological zone carries substantial flood risk and can expect to get wet in a 100-year storm which, oddly, means a 1% chance of flooding in any year but also a 2% chance that a home with a 30-year mortgage will flood once over the mortgage term. Those living in this zone should be fully aware of the risk they assume by living there.

The transition zone is defined as areas between 10-15% above MSL. In this transition zone, development is possible, including clustered, elevated homes. Development here must respect the dynamic nature of the landscape, with fluctuating water levels and sufficient, maintained overland drainage channels, and the need for tailored flood risk reduction strategies. Fill should be sparingly used, primarily for road construction on to elevate only certain homes. The coastal forests in this zone should not be further degraded as trees are essential for storing and managing stormwater.

The community zone, at 15 feet and more above MSL, is on historic and stable sand ridges, the most prominent of which are along Maybank Ridge and Upper Burden Creek. This is stronger, higher, safer, and thus valuable ground, although it is neither scarce nor abundant. Clustered development combined with stormwater infiltration could be encouraged in this zone, especially where the soils readily infiltrate and store water. The existing water systems—channels, swales, creeks, ditches—in these zones must also be protected, maintained, and not further compromised, filled, or eliminated. These systems store and infiltrate stormwater, providing stormwater management and hydrologic balance. Clear rules to protect these hydrologic features must be developed and enforced.

**Elevation Zones**

<table>
<thead>
<tr>
<th>Zone</th>
<th>Approx. Land Elev. (NAVD)</th>
<th>Allowable Development</th>
<th>Allowable Foundation Types</th>
<th>Fill Allowed</th>
<th>Potential Stormwater BMPs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wet Zone</td>
<td>0 – 6’</td>
<td>None</td>
<td>N/A</td>
<td>No</td>
<td>Living Shorelines/Buffer</td>
</tr>
<tr>
<td>Ecological Zone</td>
<td>6 – 10’</td>
<td>Limited (Single)</td>
<td>Elevated</td>
<td>Roadways Only</td>
<td></td>
</tr>
<tr>
<td>Transition Zone</td>
<td>10 – 15’</td>
<td>Moderate</td>
<td>Elevated/Limited Slab on Grade</td>
<td>Limited</td>
<td>Closed Systems/Open Space/Storage and Green Infrastructure/Infiltration</td>
</tr>
<tr>
<td>Community Zone</td>
<td>&gt; 15’</td>
<td>Moderate to Urban</td>
<td>Mix</td>
<td>Limited to Moderate</td>
<td>Green Infrastructure/Infiltration and Limited Closed Systems</td>
</tr>
</tbody>
</table>

Note: Development strategies for each zone are as follows:

- **Wet Zone**: Limited development with no fill allowed. Use living shorelines and buffers.
- **Ecological Zone**: Limited development with elevated foundations, focus on existing water systems.
- **Transition Zone**: Moderate development with elevated foundations and limited slabs on grade.
- **Community Zone**: Moderate to urban development with limited to moderate green infrastructure and infiltration systems.
EXHIBIT E

Statement of Hassan Ismail, Ph.D
Hassan Ismaili, Ph.D., P.E.  
Water Resources Project Manager  
SloanWhitbread  
507 Rhett Street  
Greenville SC 29601  
(864) 298-0434 ext. 416  
hismail@sloanwhitbread.com

April 13, 2022

To Whom It May Concern:

I am writing to provide my professional opinion regarding the Central Park Cluster Development located in the City of Charleston, South Carolina (TMS #340-03-00-007). There is valid engineering support for the requested variance to elevate all proposed homes to drive under type structures for the purpose of flood resiliency.

I am a tri-aleutus of the University of South Carolina, Columbia earning a B.S. in Civil Engineering in 2012, M.S. in Civil Engineering in 2015, and Ph.D. in Civil Engineering in 2018. My area of focus is Water Resources Engineering. While a graduate student, I actively worked as a teaching assistant and teaching assistant at the University. In the process of earning my Ph.D., I underwent several examinations including a Comprehensive Exam to enter Doctoral Candidacy covering basic and advanced topics across the Essential Areas of Water Resources. Passing the exam represents a thorough and advanced understanding of the discipline. After earning my doctorate, I joined the research faculty of the Civil Engineering department at Penn State University in University Park, PA where I conducted basic and applied research in various areas of Water Resources Engineering. I am now a practicing engineer in Greenville, SC with Professional Engineering Licenses in SC and PA. My most recent work is in the areas of hydrologic and hydraulic modeling, flood inundation, floodplain mapping, nature-based infrastructure, and drainage improvement.

My understanding of the development at the Central Park site includes 38 residences in clusters, a roadway access via Central Park Road, stormwater management ponds, and the retention of natural woods and greenspace on the perimeter and back (northern) end of the parcel. The developer would like to elevate all homes in the development to protect against flood damage, among other reasons. My understanding is that the City will allow elevation of the buildings on certain lots to drive-under type structures, but a variance is sought to elevate all structures.

Geographically, the site is located on the South Carolina Coastal Plain which is vulnerable to flooding from the combined effects of wave action and storm surge as well as riverine flooding. For example, in 2015, the City of Charleston was inundated by the so-called "thousand-year" event of 20 inches of rain as well as 8.2 feet high storm surge due to Hurricane Joaquin.

The effective Flood Insurance Rate Map (FIRM) was effective as of January 29, 2021. With the exception of a small portion of the development located within the Federal Emergency Management Agency’s Special Flood Hazard Area (SFHA) Zone AE with a base flood elevation (BFE) of 10 feet above mean sea level, ground elevations on the proposed site range from 1 to 12 feet. The City of Charleston Code of Ordinances stipulates that new residential construction
Preparing for future conditions is a hallmark of resilient design and policies. Additional protective measures taken today can result in a more well-prepared community as changes in storm patterns and higher sea levels become the norm. Elevating all buildings in the development could provide this protection and reaffirm the City’s commitment to resiliency.

Sincerely,

Hassan Ismail, Ph.D., P.E.
Agenda Item #B-8

2 LONGITUDE LANE
(CHARLESTOWNE)
TMS # 458-13-01-124

Request variance from Sec. 54-301 to allow construction of a single-family residence with a 3-ft. west side setback and 49% lot occupancy (7-ft. required 35% limitation). Zoned SR-5
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

1. A variance is requested due to extraordinary and exceptional conditions. Unlike the neighboring properties, 2
2. Longitude is a small lot than adjacent properties. 2
3. This is in keeping with adjacent properties in character and scale. 3
4. The proposed variances are in keeping with the historic district. The design reinforces this precedent creating a sympathetic addition to the neighborhood. 4

**Variance Test:** The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict adherence to 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 that are below the particular piece of property. 1
2. These conditions do not generally apply to other property in the vicinity. 2
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 3
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. 4

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 7 (add as an attachment if necessary):

**BZA-Z Application (continued)**

<table>
<thead>
<tr>
<th>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 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.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>THE APPLICANT HEREBY REQUESTS:</strong></td>
</tr>
<tr>
<td>☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal Form)</td>
</tr>
<tr>
<td>☐ Extension of an unexpired Variance and/or Special Exception approval.</td>
</tr>
<tr>
<td><strong>MEETING DATE REQUESTED:</strong> May 17, 2022</td>
</tr>
<tr>
<td><strong>Property Address:</strong> 2 Longitude Lane</td>
</tr>
<tr>
<td><strong>TMS #</strong> 458-1301-124</td>
</tr>
<tr>
<td><strong>Property Owner:</strong> Alison Brewer</td>
</tr>
<tr>
<td><strong>Daytime Phone:</strong> 843-634-0053</td>
</tr>
<tr>
<td><strong>Applicant:</strong> Alison Brewer</td>
</tr>
<tr>
<td><strong>Daytime Phone:</strong></td>
</tr>
<tr>
<td><strong>Applicant’s Mailing Address:</strong> 69 E. Bay Street Charleston, SC 29401</td>
</tr>
<tr>
<td><strong>Relationship of applicant to owner (same, representative, prospective buyer, other):</strong> same</td>
</tr>
<tr>
<td><strong>Zoning of property:</strong> SRS</td>
</tr>
<tr>
<td><strong>Information required with application:</strong> (check information submitted)</td>
</tr>
<tr>
<td>☐ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)</td>
</tr>
<tr>
<td>☐ Floor new construction or additions within a flood zone, show HVAC units and platform on scaled plans (HVAC on roof)</td>
</tr>
<tr>
<td>☐ 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)</td>
</tr>
<tr>
<td>☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)</td>
</tr>
<tr>
<td>☐ 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</td>
</tr>
<tr>
<td><strong>Optional but very helpful information:</strong></td>
</tr>
<tr>
<td>☐ Photographs WILL forward to file</td>
</tr>
<tr>
<td>☐ Letters or petitions from neighbors or organizations directly affected by your request WILL forward to file</td>
</tr>
<tr>
<td><strong>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.</strong></td>
</tr>
<tr>
<td><strong>Applicant:</strong> Alison Brewer</td>
</tr>
<tr>
<td><strong>Date:</strong> 4-18-22</td>
</tr>
<tr>
<td><strong>For office use only</strong></td>
</tr>
<tr>
<td><strong>Date application received</strong></td>
</tr>
<tr>
<td><strong>Time application received</strong></td>
</tr>
<tr>
<td><strong>Staffperson</strong></td>
</tr>
<tr>
<td><strong>Fee</strong></td>
</tr>
<tr>
<td><strong>Time application received</strong></td>
</tr>
<tr>
<td><strong>Receipt #</strong></td>
</tr>
</tbody>
</table>

**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.**
To: Board of Zoning Appeals
Re: 2 Longitude Lane

I have reviewed the proposed zoning variance request by Alison Brewer for 2 Longitude Lane for a 3’ west setback and 49% lot occupancy variance. I find this in keeping with the neighborhood and support this variance request.

Sincerely,

[Signature]

Dr. Stephanie Schwalbe
5 Longitude Lane
Chas., SC 29401

4/28/22

To: Board of Zoning Appeals
Re: 2 Longitude Lane

I have reviewed the proposed zoning variance request by Alison Brewer for 2 Longitude Lane for a 3’ west setback and 49% lot occupancy variance. I find this in keeping with the neighborhood and support this variance request.

Sincerely,

[Signature]

Rolinda & Lake Allen
2 Longitude Lane
Chas., SC 29401

4/29/2022

RECEIVED
MAY 0 2 2022
CITY OF CHARLESTON
PLANNING DEPARTMENT
To: Board of Zoning Appeals
Re: 2 Longitude Lane

I have reviewed the proposed zoning variance request by Alison Brewer for 2 Longitude Lane for a 3' west setback and 49% lot occupancy variance. I find this in keeping with the neighborhood and support this variance request.

Sincerely,

Name: Barbara
Address: 23 Longitude Lane
Charleston, SC 29401
Date: 4/29/2022

To: Board of Zoning Appeals
Re: 2 Longitude Lane

I have reviewed the proposed zoning variance request by Alison Brewer for 2 Longitude Lane for a 3' west setback and 49% lot occupancy variance. I find this in keeping with the neighborhood and support this variance request.

Sincerely,

Name: Jody Fenn
Address: 63 Iron Bay Street
Kanata
Date: 5/7/2022
To: Board of Zoning Appeals
Re: 2 Longitude Lane

I have reviewed the proposed zoning variance request by Alison Brewer for 2 Longitude Lane for a 3' west setback and 49% lot occupancy variance. I find this in keeping with the neighborhood and support this variance request.

Sincerely,

[Signature]

Name
Thomas Quinlan

Address
73 EAST WAY ST

Date
4/29/22

To: Board of Zoning Appeals
Re: 2 Longitude Lane

I have reviewed the proposed zoning variance request by Alison Brewer for 2 Longitude Lane for a 3' west setback and 49% lot occupancy variance. I find this in keeping with the neighborhood and support this variance request.

Sincerely,

[Signature]

Name
Frances Hamblen

Address
15 Trade St

Date
4/29/2022
Agenda Item #B-9

1779 OPAL AVENUE
(DUPONT STATION)
TMS # 350-11-00-077

Request variance from Sec. 54-301 to allow a detached accessory building (3 car garage) with an 11-ft. rear setback (25-ft. required).
Zoned SR-1
Application for Variance, Special Exception, Reconsideration, or Extension Page 1 of 2
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: April 19, 2022

Property Address: 1779 Opal Ave
TMS #: 350-11-00-077

Property Owner: Kevin Martin and Sheila Warren
Daytime Phone: 704-609-1056

Applicant: Kevin Martin
Daytime Phone: 704-609-1056

Applicant's Mailing Address: 1779 Opal Ave, Charleston, SC 29407
E-mail Address: kevin.p.martin@live.com

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

Zoning of property: SR-1

Information required with application (check information submitted)
☐ Aerial 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 HVAC units and platform on scaled plans
☐ For new construction or additions within a flood zone, show electrical plans, with service panel 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 check 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: Kevin Martin
Date: April 18, 2022

BZA-Z Application (continued) Page 2 of 2

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):
The .54 acre property has a 400 year old Live Oak tree that reaches out across the yard. Building the garage per zoning requirements places left front corner into the branches, and may effectively prohibit the long-term growth and beauty of the tree. Moving the garage 14 feet into the setback clears the tree totally. So while not impeding into the grand tree protection circle, we feel it is best for the tree. There is no one living behind the house in adjacent properties that would be affected.

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

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

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

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of 12 (12) 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
Turfstone driveway pavers

TURFSTONE

Turfstone is an eco-friendly, permeable option for your project. Boasting a 40/60 ratio of green space to concrete, the Turfstone blocks filter water through the openings while stabilizing surrounding soil to prevent soil erosion.
1779 Opal. No houses behind the property
Proposed garage built 14 feet into setback (approx., Scale drawings follow)
Front view of the 400 year old Live Oak tree
Back view of the tree
Back view of the tree
Area of proposed garage, shed will be removed.
Area in front of proposed garage, shed will be removed
Area of proposed garage, shed will be removed
14 foot high eve location if built with zoning variance, clearing the tree
14 foot high eve location if built with zoning variance, clearing the tree
April 30, 2022
City of Charleston Zoning Division
2 George Street
Charleston, SC 29401

To Whom it May Concern,

This letter stands as my approval for Kevin Martin and Shelia Warren, at 1779 Opal Ave, Charleston, SC, to encroach 14 feet into the 25-foot rear setback of their property to build a garage. I understand that the rear of the garage will be 11 feet from the rear property line and there will be no encroachment into the side setback at all, being at least 10 from the side line.

Thank you,

[Signature]
Seth Payton
1785 Opal Ave
Charleston, SC 29407

May 9, 2022
City of Charleston Zoning Division
2 George Street
Charleston, SC 29401

To Whom it May Concern,

This letter stands as our approval for Kevin Martin and Shelia Warren, at 1779 Opal Ave, Charleston, SC, to encroach 14 feet into the 25-foot rear setback of their property to build a garage. I understand that the rear of the garage will be 11 feet from the rear property line and there will be no encroachment into the side setback at all, being at least 10 from the side line.

Thank you,

[Signature]
Uriel Estrada and Shelia Silva
1782 Opal Ave
Charleston, SC 29407
May 3, 2022
City of Charleston Zoning Division
2 George Street
Charleston, SC 29401

To Whom it May Concern,

This letter stands as my approval for Kevin Martin and Shelia Warren, at 1779 Opal Ave, Charleston, SC, to encroach 14 feet into the 25-foot rear setback of their property to build a garage. I understand that the rear of the garage will be 11 feet from the rear property line and there will be no encroachment into the side setback at all, being at least 10 from the side line.

Thank you,

[Signature]

Martin Levisen
1771 Opal Ave
Charleston, SC 29407
Agenda Item #B-10

860 MORRISON DRIVE
TMS # 459-02-00-005

Request special exception under Sec. 54-220 to allow a 150-unit accommodations use in an UP-A (Upper Peninsula-Accommodations) zone district.
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 adjust to such conditions regarding the location, character, or other features of the proposed building, structure, or use. The Board may consider ad valorem property values in the surrounding area or promise to promote the public health, safety, or general welfare. **(SC Code of Laws § 6-29-809)**

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):

This special exception request is for a 15K lb. full-service hotel within the Accommodation Overlay Zone.

Please see attached submitted package, which includes the required documentation to demonstrate compliance with the relevant special exceptions requirements of the Zoning Ordinance (site plans, floor plans, building elevations, traffic study, exhibits, and a detailed written assessment report).

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.
March 4, 2022

Mr. Lee Butcher
Zoning Administrator
City of Charleston
Department of Planning, Preservation and Sustainability
2 George Street, Suite 3106
Charleston, SC 29401

861 Morrison Drive
Morrison Yard Phase 4
TMS 457-02-09-005

Thanks you for reviewing our submittal to the Board of Zoning Appeals-Zoning Special Exception Request. Below you will find the written narrative addressing the items required for an Accommodations use to be allowed within the Accommodations Overlay Zone.

Sec. 54-220. Accommodations Overlay Zone.

a. Intent. The A Overlay Zone is intended to identify those areas within the City limits where accommodations uses are allowed. Accommodations uses are prohibited except within the A Overlay Zone, with the exception of bed and breakfasts that are approved in accordance with the provisions of Section 54-220 or 54-388, and short term rentals that are approved in accordance with the provisions of Sections 54-227. The City places a high value on the preservation of the character of its residential neighborhoods. Potential negative impacts affecting residential neighborhoods shall be avoided or minimized to the greatest extent possible.

b. Permitted Uses. In any Accommodations overlay zoning district, land may be used and buildings or structures may be erected, altered or used for any purpose allowed by the underlying zoning district as listed in Articles 2 - Part 3, and the following uses subject to approval of the Board of Zoning Appeals:\n
Accommodation Uses. The Board of Zoning Appeals may permit accommodation uses as an exception where it finds that:

a. (i) the accommodations use will not result in a net loss of dwelling units that have been occupied within five years of the date of application for the exception; provided however, the BZA/Z may approve the alteration or replacement of such existing dwelling units on the same site as the accommodations use, or within a radius of one quarter (1/4) mile from the site if the proposed off site location does not result in an over concentration of low income households, as defined by the U.S. Department of Housing and Urban Development; and provided further, the BZA/Z shall require any such alteration or replacement to include dwelling units of substantially the same size and type of those being altered or replaced and shall require that no certificate of occupancy shall be issued for the accommodations uses until either a certificate of occupancy has been issued for all dwelling units being altered or replaced or irrevocable bonds or letters of credit in favor of the City in amounts equivalent to one hundred twenty-five (125%) per cent of the costs to complete construction be deposited. The Chief Building Inspector, has been filed with the City. No housing units will be eliminated by the proposed facility.

(b) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not reduce or replace more than 25% of office space that has been used for such purpose within five years of the application for the exception; No office space will be displaced by the project.

(c) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not replace more than 25% of the linear footage of existing ground floor storefront retail space on the property; No storefront retail will be displaced by the project.

(d) the location of the accommodations use will not significantly increase automobile traffic on streets within residential districts. The property is located directly on Morrison Drive, with convenient access south to commercial, tourist and entertainment areas, and north to Interstate 26, without crossing through residential districts. Traffic counts of the area have been analyzed. Please see the Traffic Study prepared by Bohl Engineering, provided as an attachment to this submittal.

(e) the location of the accommodations use will contribute to the maintenance, or creation, of a diverse mixed-use district. The immediate area includes existing and under construction office, residential, restaurant, and other commercial uses, which will be complimented by the addition of a hotel use. This project is being proposed as part of the overall master plan for Morrison Vans, a mixed use project of office, retail, multi-family, and amenities.

(f) the total square footage of interior and exterior floor area for restaurant and bar space in the proposed accommodations use, including restaurant bar patio use areas, bar areas, kitchen, storage, and bathroom facilities, shall not exceed 12 percent of the total interior, conditioned floor area in the accommodations use, except that each accommodations use shall be permitted to exempt from the calculation of total restaurant floor area one interior, ground floor restaurant tenant space if the tenant space does not exceed 2,000 square feet, the restaurant tenant space does not serve alcoholic beverages, and the exempt restaurant tenant space is clearly labeled with these restrictions on the floor plans submitted with the application for this zoning special exception; The total square footage of the interior floor area of the restaurant bar patio use areas, bar areas, kitchen, storage, and bathroom facilities in 9,800 SF, which is approximately 8.3% of the total interior conditioned floor area in the facility. The total square footage of the Accommodations Use is 117,200 SF.

(g) the accommodations use, proposed guest drop off and pick up area(s) is located outside the public right-of-way and on the property utilized for the accommodations use if the accommodations use contains more than 30 sleeping units, and if 30 sleeping units or less, the proposed guest drop off and pick up area(s) are located outside the public right-of-way if feasible, and the location and design of the guest drop off and pick up area(s) has been reviewed by the Department of Traffic and Transportation and determined to be safe and not an imposition to traffic and that every effort has been made to minimize traffic impacts. See site plan exhibits. The vehicular access to the property and guest drop off area is located on a shared driveway easement area leading to the on-site parking and out on Morrison Drive public right of way.

(h) the total number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located is equal to or exceeds ten (10) sleeping units. The guestroom count of the hotel is 130 rooms.

(i) within areas of the accommodations overlay zone designated as "A-4", "A-2", "A-3", "A-4", "A-5", "A-6", or "A-7" on the zoning map, the number of sleeping units is not in the buildings or structures on the lot or parcel in which the accommodations use is located shall not exceed 55 in 100 acre areas designated "A-2", 225 in 100 acre areas designated "A-3", 100 in areas designated "A-4", 150 in areas designated "A-5", 150 in areas designated "A-6"; and 175 in areas designated "A-7"; provided, however, that within the portion of the area designated "A-7" bounded by King Street on the west, Meeting Street on the east, Mary Street on the south and Line Street on the north (the "Full-Service Corridor"), the number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located may exceed 55, but
shall not exceed 250, if the accommodations use qualifies as a Full-Service Hotel, meaning that the accommodations use provides 20,000 or more square feet of meeting, conference and banquet space of which 15,000 square feet thereof is contiguous, an on-site restaurant that serves breakfast, lunch and dinner seven days a week and other services such as a concierge, a spa/health club, laundry, rundown service, newspaper delivery, security personnel and airport shuttle; and in no event shall any accommodations use on the peninsula exceed 250 sleeping units. Continued.

(i) the proposed accommodations use will not share any of its buildings, structures, facilities, or operations with any other accommodations use: Continued.

(j) The proposed accommodations use incorporates meeting and conference space at a ratio of 400 square feet per 10 sleeping units, or fraction thereof, with respect to the first 150 sleeping units, and incorporates meeting and conference space at a ratio of 500 square feet for every 10 sleeping units, or fraction thereof, exceeding 150 sleeping units. In either case, at least 75% of the meeting and conference space shall be contiguous: See attached exhibit for conference space layout, size, and location that meets design requirements.

(k) Notwithstanding subsection (l) hereof, if the accommodations use contains more than 25 sleeping units and is located in the Full-Service Corridor, the provisions of subsection (i) hereof shall govern the square footage of required meeting and conference space: Not Applicable.

(l) the proposed accommodations use will not result in there being more than eight (8) Full-Service Hotels on the peninsula, inclusive of those Full-Service Hotels existing on the peninsula and those with approval for new accommodations use on the ordnance from which this section derives; for purposes of this subsection (l) only, a Full-Service Hotel means a Full-Service Hotel as defined in subsection (i) having in excess of 150 sleeping units; and Not Applicable.

(m) to assist in providing affordable housing opportunities for its employees, the applicant for the accommodations use commits to contribute to the City of Charlottesville Affordable/Workforce Housing Account a fee payable upon the issuance of a Certificate of Occupancy, calculated as follows: $3.00 per square foot of area used for sleeping units and the hallways adjacent to sleeping units, stairwells and elevators. Understood.

In making the findings required in subsection 3.1, the Board of Zoning Appeals—Zoning shall consider the following information to be provided by the applicant in site plans, floor plans and building elevations that will govern the construction of the building in which the accommodations use is located, along with a detailed written assessment report to be submitted with the application:

1. The number of existing dwelling units on the property, including units on the property that were occupied as dwelling units within five years of the date of the application for the exception, the type of unit (rental or owner-occupied: one-family detached, one-family attached: two-family or multi-family, occupied or unoccupied: by income range of the most recent occupant(s), the rental price for rental units and market price for owner occupied units relative to the area median income figures that are determined annually by the U.S. Department of Housing and Urban Development and adjusted by the City of Charlottesville Department of Housing and Community Development, or its successor, the physical condition of the units (sound, deficient, deteriorated or dilapidated), the square footage and number of bedrooms in each unit, and if the units are proposed to be physically altered or replaced, a description and plan showing the square footage and number of bedrooms in the altered or replaced units, and their location. No housing units have been present in the last 5 years. The hotel site is the former location of a tile and stone store and storage yard.

2. The effect of the physical alteration or replacement or relocation of dwelling units on the housing stock of a particular type on the property and whether a condition should be attached to a special exception approval for the accommodations use requiring a minimum percentage of the dwelling units on the property or replaced off-site to remain affordable based on the annually updated median area income value: No housing units on the property.

3. The presence of office space on the property, or the presence of spaces on the property that were occupied as office spaces within five years of the date of application for the exception. No office space has been present in the last 5 years.

4. The linear footage of existing ground floor storefront retail space on the property: No existing storefront retail exists on the property. See existing condition photos.

5. The location and design of guest drop off and pick up areas for the accommodations use: See attached site plan.

6. The cumulative number of vehicle trips generated by the proposed accommodations use and other accommodations uses that are either existing or approved within an area identified by the Department of Traffic and Transportation, the traffic circulation patterns serving the accommodations use and efforts made to minimize traffic impacts: See attached TIA from BMI Engineering.

7. The distance of the main entrance and parking entrance of the accommodations use from a road classified as an arterial or collector road: The property is located directly on Morrison Drive, an arterial road. See attached exhibit.

8. The land uses within five hundred feet (500') of the accommodations use, to include the location, square footage, and number of rooms in existing accommodations uses and accommodations uses that have been approved. The surrounding area includes existing and under construction office, residential, restaurant, and other commercial uses. No accommodations exist or are approved within 500' of the property. See exhibit of existing conditions for additional information as well as the predominant surrounding land use exhibit included with the submittal.

9. The proximity of residential districts to the accommodations use: See attached predominant land use exhibit identifying site location and distance to the adjacent residential district.

10. The accessibility uses proposed for the accommodations use, such as restaurants, spas, bars, pools and the like, in terms of their location, size, impact on parking, traffic generation, noise or odors in a residential district: See attached exhibit of floor plans identifying ancillary restaurants and pool uses within the hotel, as well traffic impact analysis. Those accessory uses are expected to principally serve hotel guests and nearby office and residential users and will not generate significant additional traffic on Morrison Drive. The nearest residential district is separated by Morrison Drive, a broad right of way, and the proposed floor restaurant is oriented to the East, away from Morrison Drive and residential areas, which will not have any material impacts.

11. The demonstrated provision of off-street parking at the rate of two spaces that meet the design requirements of section 54.318 for each three sleeping units, provided however, the utilization of mechanical or other means of parking that meet the ratio of two spaces for each three sleeping units shall be allowed: See attached exhibit identifying parking locations. The proposed parking is located under the building with lift service. However, the development team is also exploring the option of a long term lease (compliant with City zoning requirements for off-site parking) of adjacent land owned by Charlottesville Water Systems to create a surface vault parking lot, accessed directly through the interior hotel driveway, to provide some or potentially all of the parking needed for the hotel and accessory uses in lieu of underground parking.

12. The presence of industrial uses and uses which use, store, or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials, within five hundred feet (500') of the accommodations use: No known uses have been identified within 500'.
13. The commitment to environmental sustainability and recycling. The owner of the facility will have separate containers for trash and for recyclables; the owner is committed to sustainability and will be investigating energy efficient mechanical systems, large windows for natural daylight, and LED lighting.

14. The distance of the accommodations use from major tourist attractions: The facility is +/- 3,170 feet from King Street, +/- 7,400 feet from the Charleston Aquarium, +/- 6,370 feet from the Charleston Visitor Center, and +/- 5,800 from the Aiken Rhett House.

15. The distance of the accommodations use from existing or planned transit facilities: Two existing CARTA bus shelters are located in the immediate vicinity of the project. One is located on the East side of Morrison Drive for travel heading northbound and the second is located on the West side of Morrison Drive for travel heading southbound.

16. The long term provision of on- or off-site parking for employees who drive vehicles to work, including an estimate of the number of employees that will drive to work during the maximum shift and the location of parking spaces to be provided, and the demonstrated provision of free transit passes or other incentives to encourage employee use of public transportation. Seventeen employee parking spaces will be provided on site, subsidized (at least 35%) CARTA passes will be provided to employees using public transportation, and bicycle storage and other facilities to encourage alternative transportation methods will be incorporated into the building. The expected peak shift number of employees is expected to be 34 employees, not more than half of whom are expected to drive to work.

17. The number of sleeping units proposed as part of the accommodations use: The new Hotel will be a 150 guestroom hotel.

18. The provision of shuttle bus services to and from the Historic Districts by accommodations uses with more than 50 sleeping units located outside the area designated "A-1" through "A-6" on the zoning map. As part of the amenity package for the hotel, a shuttle will be provided for guest usage.

19. The commitment to make affirmative, good faith efforts to see that construction and procurement opportunities are available to M/WBEs (minority business enterprises) and W/NBEs (women business enterprises) as outlined in section 2-263 of (1), (2), and (3) of the Code of the City of Charleston. A member of the project team includes B&M Engineering, a woman owned business certified as a DBE by the State of South Carolina through the South Carolina Unified Certification Program (SCUCP). As we continue through the project, the development group will make good faith efforts to reach out and use M/WBE’s and W/NBE’s through its consultants, contractors, and vendors.

20. The commitment to make affirmative, good faith efforts to hire personnel, representative of the population of the Charleston community, at all employment levels. The development team commits to make affirmative, good faith efforts to hire personnel, representative of the population of Charleston community, at all employment levels. With the large size of the project, the development team will be adding over 100 job opportunities to Charleston residents. The development team will host a job fair for the East Side Community.

d. Violations: In addition to any remedies otherwise available to the City under State law or the City Code, a violation by the owner or operator of the accommodations use of any provisions or conditions of an exception granted hereunder, to include any deviation from the plans and written assessment as required by subsection c. hereof, shall subject the owner or operator of the accommodations use to having its business license and/or certificate of occupancy revoked.

e. Applicability: The provisions of this Section 54-220 shall apply to special exceptions for accommodations uses granted by the Board of Zoning Appeals-Zoning after May 28, 2019, it being the intent of City Council that special exceptions approved by the Board of Zoning Appeals-Zoning prior to May 28, 2019 be entitled to and governed by the vested rights provisions accorded by Article 9, Part 3 of this Chapter. The provisions of this Section 54-220 shall not apply to Planned Unit Developments that include accommodations uses as an authorized use that were approved as of May 28, 2019.

Mari White
DSM Real Estate Partners
PARKING SUMMARY:

150 HOTEL ROOMS (2 SPACES/3 ROOMS) = 100 SPACES

17 PARKING SPACES ARE PROVIDED ON-SITE IN ADDITION TO THE 100 SPACE MINIMUM FOR EMPLOYEE PARKING BASED ON ANTICIPATED USE RATE.

TOTAL PARKING PROVIDED ON-SITE = 117 SPACES

ALL PARKING ON-SITE PROVIDED WITHIN BUILDING FOOTPRINT IN VALET CONTROLLED, AUTOMATED 3-TIER LIFT SYSTEM. (SEE ARCHITECTURAL)

ACCOMMODATIONS WILL BE MADE FOR ADDITIONAL MEANS OF TRANSPORTATION INCLUDING IMPROVED CARTA BUS STOP SHELTERS IN IMMEDIATE VICINITY AND ON-SITE BICYCLE PARKING.

SOUTH CAROLINA STATE PORTS AUTHORITY

TMS# 498-02-00-005

MORRISON YARD HOTEL

W. 136 ROOMS

OFFICE AT MORRISON YARD

MIXED USE BUILDING

UNDER CONSTRUCTION

137,149 SF OFFICE

7,480 SF RETAIL

364 SPACE PARKING DECK

SITE VEHICULAR ACCESS EXHIBIT

NOTE: SEE TRAFFIC IMPACT ANALYSIS PREPARED BY BIHL ENGINEERING, DATED MARCH 2022 FOR ADDITIONAL INFORMATION.
FLOOR PLAN - BASEMENT LEVEL - NOT TO SCALE

FLOOR PLAN - FIRST LEVEL - NOT TO SCALE

FLOOR PLAN - SECOND LEVEL - NOT TO SCALE

FLOOR PLAN - THIRD THRU EIGHTH LEVELS - NOT TO SCALE

FLOOR PLAN - NINTH LEVEL - NOT TO SCALE

### LEVEL 1
- **GROSS**: 10,500
- **RESTAURANT AND BAR**: 2,700
- **MEETING SPACE**: 0
- **GUESTROOMS**: 0

### LEVEL 2
- **GROSS**: 9,400
- **RESTAURANT AND BAR**: 0
- **MEETING SPACE**: 4,700
- **GUESTROOMS**: 0

### LEVEL 3
- **GROSS**: 14,700
- **RESTAURANT AND BAR**: 0
- **MEETING SPACE**: 0
- **GUESTROOMS**: 25

### LEVEL 4
- **GROSS**: 14,700
- **RESTAURANT AND BAR**: 0
- **MEETING SPACE**: 0
- **GUESTROOMS**: 25

### LEVEL 5
- **GROSS**: 14,700
- **RESTAURANT AND BAR**: 0
- **MEETING SPACE**: 0
- **GUESTROOMS**: 25

### LEVEL 6
- **GROSS**: 14,700
- **RESTAURANT AND BAR**: 0
- **MEETING SPACE**: 0
- **GUESTROOMS**: 25

### LEVEL 7
- **GROSS**: 14,700
- **RESTAURANT AND BAR**: 0
- **MEETING SPACE**: 0
- **GUESTROOMS**: 25

### LEVEL 8
- **GROSS**: 9,400
- **RESTAURANT AND BAR**: 7,100
- **MEETING SPACE**: 2,400
- **GUESTROOMS**: 0

### TOTALS
- **GROSS**: 117,500
- **RESTAURANT AND BAR**: 9,800
- **MEETING SPACE**: 7,100
- **GUESTROOMS**: 150

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**PART 6 - PERMITTED USES FOR Overlay ZONES**

Sec. 54-220. - Accommodations overlay zone.

**RESTAURANT & BAR REQUIREMENTS**

The total square footage of interior and exterior area for restaurant and bar space in the proposed accommodations use, including restaurant/bar patron use areas, bar areas, kitchen, storage, and bathroom facilities, shall not exceed 12 percent of the total interior conditioned floor area in the accommodations use, except that each accommodations use shall be permitted to exceed the calculation of total restaurant floor area by one exterior ground floor restaurant tenant space if the total tenant space does not exceed 2,000 square feet. The restaurant tenant does not serve alcoholic beverages, and the exempt restaurant tenant space is clearly labeled with these restrictions on the floor plans submitted with the application for this zoning special exception.

117,500 sf x 0.12 = 14,100 sf Restaurant and Bar Area Allowed
9,800 sf Restaurant and Bar Area Shown (6.8%)

**MEETING SPACE REQUIREMENTS**

150 Guestrooms / 10 = 15 x 400 = 6,000 sf of Meeting Space Required
7,100 sf of Meeting Space Area Shown

75% Coniguous Meeting Space: 6,000 sf x .75 = 4,500 sf
4,700 sf of contiguous Meeting Space Provided on Level 2

**PARKING REQUIREMENTS**

Hotel Use: 2 per 3 Rooms: 150 Rooms / 3 x 50 = 2 = 100 Spaces Required
Employees: 34 Spaces Estimated Per Owner Narrative (50% Provided)
Total Parking: 117 Spaces
Parking Shown: 117 Spaces

*Parking shall be provided as necessary based on final employee calculations and as agreed upon by Zoning Administrator.
**PART 17 - UPPER PENINSULA DISTRICT**

Sec. 54.299.32 - Incentive Options

Per the section above, the following are areas where incentive options shall be considered but may change during the actual design effort. In no case, shall the project be presented without having the minimum required number of points gained required to achieve the 9 story request.

<table>
<thead>
<tr>
<th>Incentive Options Considered</th>
<th>Points</th>
</tr>
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<tbody>
<tr>
<td>Bike Parking</td>
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<tr>
<td>Charleston Rises</td>
<td>6</td>
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<tr>
<td>Alternative Transportation (EV Stations)</td>
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<tr>
<td>Renewable Energy (SW Systems)</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
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</tbody>
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**SOUTH ELEVATION - NOT TO SCALE**

**WEST ELEVATION - NOT TO SCALE**

**EAST ELEVATION - NOT TO SCALE**

**NORTH ELEVATION - NOT TO SCALE**

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860 Morrison Drive
MORRISON YARD HOTEL
Zoning Submission
FLOOR PLAN - BASEMENT LEVEL

3 TIERED PARKING
39 SPACES x 3 TIERs = 117 SPACES