Zoom Meeting Protocol

Order on Each Application:

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

Providing Comment:

• People who sign up to speak prior to the 12 noon deadline will be called on when it is your turn to speak and your microphone will be enabled. You may only speak once on each item.
• Your microphone will be disabled after you are finished speaking.
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 4, 2021 BZA-Z Minutes
(click on link below)
https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/_05042021-6508
Agenda Item #B-1

1 DINGLE STREET
(NORTH CENTRAL)
TMS # 460-03-02-032
Request variance from Sec. 54-301 to allow a porch addition with a 4-ft. south side setback (7-ft. required).
Zoned DR-2F
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals - Zoning (BZA/Z)

City of Charleston

Instructions - This application, along with the required information and fee, must be submitted to the Permit Center at 5 Spring St. Applications are due by 12 Noon on the deadline date and may 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.

MEETINGS DATE REQUESTED: May 18, 2021
Property Address: 1 Dingle St. Tax #: 416-03-09-039
Property Owner: Jamaal Pickard
Daytime Phone: 843-162-2507
Applicant: Same as above Daytime Phone: Same
Applicant’s Mailing Address: 1 Dingle St. Charleston SC 29403

Relationship of applicants to owner (name, representative, prospective buyer, other): Same

Zoning of property
Information required with application: (Check information submitted)
☐ Scaled plans or plots, including elevations, showing the existing (or special exception) being requested (1 sheet)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (1 sheet)
☐ Plans or documents necessary to show compliance with special exception requirements (1 sheet)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or NO - is the property restricted by any recorded covenant that is contrary, conflicts with or prohibits the proposed land use as comprised in this permit application. § 6-29-1145 of the South Carolina Code of Laws

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

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

Applicant: Jamaal Pickard
Date: 4-6-2021

For office use only
Date application received
Signature
Time application received
Received 

Rev. 4-2021
Variance Test: The Board of Zoning Appeals is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would result in unreasonable hardship or make the utilization of the property and
4. The authorization of the variance will not be of substance enforcement of the ordinance or to the public good, and it will not be likely to result in the granting of the variance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other feature of the proposed building, structure, or use as the board may consider appropriate to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-7-1980)

For Special Exception requests, applicants should list the specific variance being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-239, or sections in Article 5 (add it as an attachment if necessary)

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

Department of Planning, Preservation & Sustainability
2 George Street Charlestowne, South Carolina 29412
(843) 724-3091 www.charlestonsc.gov/planning

5/17
The following are the details of the variance and responses to the 4 variance test questions:

**Variances:**
1. 50% occupancy requirement. The addition of a 16’ x 13’10” screened porch will narrowly exceed the 50% limit with 51% coverage.
   The lot area is 1833 sq ft. The house is 685 sq ft. The proposed porch is 253 sq. ft.
2. 7ft easement on south property boundary. The proposed porch will result in 4 ft of open space between the southern property line and the existing fence.

**Variance Test Question Responses:**
1. The tiny ~650 sq. ft. home sits on an equally small lot in such a way that it makes good use of open space (refer to pictures). I have maintained room for a beautifully manicured yard and off the street parking. Neighbors comment every day on what I have done with the property. Lots of foot traffic.
2. I purchased this property because it was open on both sides. No other structures around. It will accommodate a good sized porch which will increase functional living space. It will not crowd the property line.
3. I want to accommodate a reasonably sized screened porch to be able to expand my outside living space protected from blazing hot hot summer sun and mosquitoes. In the fall, the space will be perfect for watching ty outside and visiting with neighbors.
4. The neighbor adjacent to my property lives in another state. She seems to be in favor of my ground level screened porch with oral consent. We are working with her property manager to see about a letter of written consent. Letter to follow, upon receipt. The proposed screened porch will look like it has always been there. The shed roof is consistent with the area and original time period. The proposed screened porch is also in proportion with the size of the house.
Agenda Item #B-2

35 LORD CALVERT DRIVE
(INDIGO POINT)
TMS # 349-05-00-151

Request variance from Sec. 54-301 to allow an addition (bay window) with a 20.5-ft. rear setback (25-ft. required).
Zoned SR-1
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals - Zoning (BZA-Z)

City of Charleston

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

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

Meeting Date Requested:

Property Address: 35 Lord Calvert Drs, Charleston, SC 29407
TMS #: 349-95-60-151

Property Owner: Chris Facello
Daytime Phone: 843-412-7274

Applicant: Chris Facello
Daytime Phone: 843-412-7274

Applicant’s Mailing Address: 405 Hawks Cay Ct, Charleston, SC 29414
E-mail Address: cfacello@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 prints, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- ☑ For new construction or additions within a flood zone, show HVAC units and platforms on scaled prints
- ☑ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
- ☑ Plans or documents necessary to show compliance with special exception requirements (3 sets)
- ☑ Check, credit card or cash (make checks payable to the City of Charleston)
- ☑ YES ☐ NO - Is the property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

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

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

Applicant: ____________________________ Date: ____________

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

**Current setback restrictions for this lot prevent the owner from having a bay window off the back of the house. Owner would like to request a variance from the setback to add a bay window that will be three feet into the setback for approximately a five foot stretch.**

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

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not 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 § 6-29-820)

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

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

35 Lord Calvert Drive

1. The extraordinary and exceptional condition is that this property is already within the setback. I suspect that the setback was changed since it was first built.

2. This condition does not generally apply to other properties in the area.

3. Because of this condition, the ordinance prohibits this simple request for adding a bay window to the back of the property without a variance.

4. I have submitted a signed document showing that the adjacent properties have agreed to request and it will not have any negative affect on those properties.
FACELLO RESIDENCE REMODEL
35 LORD CALVERT
March 26, 2021

Application for variance of setback requirement

The new owners at 35 Lord Calvert, Chris and Leigh Anne Facello, would like your approval for adding a bay window on the back side of the home which would include a 3' x 5' section that crosses into the 25' setback that is in place.

Attached is a copy of the plat with the proposed bay window showing how it will affect the property.

Michael Keenan

John Barham

Barlett Witherspoon

98 Indigo Point Dr.
Agenda Item #B-3

130 DARLINGTON AVENUE
(WAGENER TERRACE)
TMS # 463-08-01-076

Request special exception under Sec. 54-110 to allow a horizontal expansion and vertical extension (bedrooms/kitchen/baths/office/common room/deck) that extends a non-conforming 4.2-ft. north side setback (9-ft. required).
Zoned SR-2
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-7)

City of Charleston

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

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

MEETING DATE REQUESTED: 09/18/2021

Property Address: 130 Darlington Avenue
Property Owner: Mike Elder
Applicant: Mike Elder
Applicant’s Mailing Address: 130 Darlington Avenue

Daytime Phone: (843) 425-3676
Email Address: mkleider0101@gmail.com

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

Zoning of property: SR-2

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

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: Margaret Elder
Date: 09/15/2021
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):


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

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

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

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

see attachment

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.
Re: 126 Darlington Avenue, Charleston, SC 29412  TMS# 463-08-01-076
May 18, 2021 meeting date
Attachment for special exception

BZA special exception request for a continuation of a non-conformance with the 9' side yard setback at the north property line (house built in 1938).

1. Add a 2nd floor over the rear portion of existing 1-story house, 2-story rear addition, and a deck all to align flush with the existing house that is approximately 6'-2"x'-1'-o of its north property line.
2. Section 51-406 allows for an addition to breach the north side yard setback up to 50% of the length of the existing house. The proposed conditioned space addition is shown not to encroach the rear 25' setback. The deck & stairs do not encroach the 10' deck rear yard setback.
3. There are no trees in the back yard.
4. This property, its street, and surrounding neighborhood were developed in the 1930's with a mix of 1 and 2-story homes that do not comply with current side yard setbacks.
5. This property is one of just a few 1-story-only homes in this area. Adding a second story that conforms to a 9' side yard setback is neither practical for this house nor compatible with the appearance of any other home in the area. Most other homes have either a full 2-story or a 1-story with a 2-story section at rear of it as proposed herein. See provided site photos within the drawing set for reference. None of these homes are stepped in (notched) at their 2nd floor level. Many of these houses are two to three times the size of this 808 sf, 2 bedroom & 1 bath house, and some are more.
6. The proposed increase brings the total living space to a modest 2,001 sf house.
7. The next door north neighbor has provided an approval letter of this request (see attached). This modest addition mimics an appealing aesthetic appearance of other homes on the street and raises property values for all.
Amanda Baker & William Kalivas
132 Darlington Ave • Charleston, SC 29403
843-393-2011 • 843-906-3243

City of Charleston Zoning Board
Charleston, SC 29401

To Whom It May Concern,

We are the owners of 132 Darlington Ave, Charleston, SC 29403. We are in support of the renovation that our next-door neighbor, Mike Elder, is doing at 133 Darlington Ave, Charleston, SC 29403. This property is directly South of our property. We feel that the project would add to the value of the homes in the neighborhood, at the same time adding to the character of the homes typically found on the street and surrounding neighborhood.

We have no issues with the plans he has shared with us for the addition to his home.

Sincerely,

[Signatures]
Amanda Baker & William Kalivas
23 TRADD STREET

(CHARLESTOWNE)

TMS # 458-13-01-041

Request special exception under Sec. 54-110 to allow a one-story addition (garden room) that extends a non-conforming 3.8-ft. west side setback (7-ft. required).

Request variance from Sec. 54-301 to allow a one-story addition (garden room/hall) having a 43% lot occupancy (35% limitation; existing lot occupancy 36%).

Zoned SR-5
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA)  
City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Zoning Division office at 75 Calhoun Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for 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 16, 2021  
Property Address: 23 Trad St, Charleston, SC 29403  
Property Owner: William and Mary Buckley  
Applicant: Julia F. Marlin Architects  
Applicant's Mailing Address: 210 E. Rutledge Avenue, Charleston SC 29403  
Relationship of applicant to owner (same, representative, prospective buyer, other): Architect  
Zoning of property: SR 6

Information required with application: (check information submitted)  
- Scaled plans or plats, including elevations, showing the variances or special exceptions being requested (3 sets)  
- For new construction or additions within a flood zone, show NWC limits and elevation certificates on scaled plans  
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all deepening and widening additions, unless exempted by the Zoning Officer (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]  
- Pursuant to Section 6-29-145 of the South Carolina Code of Laws, is this Property which is the subject of this Application, restricted by any recorded covenant, restriction, easement, or other document that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? YES ___ NO ___

Optional but suggested 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: ___________________________

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

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

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

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws Section 6-39-408)

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 Sec. 54-110, Sec. 54-206, or sections in Article 5 (add as an attachment if necessary). (see attached)

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

Department of Planning, Preservation & Sustainability 75 Calhoun Street, Third Floor Charleston, South Carolina 29401
(843) 724-3781  FAX (843) 724-3772  www.charleston.sc.gov
23 TRADD STREET: BZA-2 REVIEW

1. VARIANCE: Requesting a lot coverage variance to increase the existing non-conforming coverage (36%) to 40%.

- The owners of this house would like to extend their limited living area into the unusually deep courtyard at the south of the lot, by constructing a 1-story garden room. The proposed additional footprint is 374 square feet, and the resulting south side setback would still be 80' from the s.o.w.
- The existing/historic house spans the full width of the lot, from east to west, with no traditional driveway or access area on the west side, and they would like to center the new addition on the plan.
- Both adjacent dwellings have similar historic cores with much larger rear additions already in place (and non-conforming setbacks therein). The immediately adjacent additions are actually built to zero lot line, whereas we will maintain 3'-6" of clearance at each side.
- Adequate street parking is provided via Longitude Lane at the south side of the property and will not be affected.

Variance Test (per section 54-124 of the ordinance):

a) There are extraordinary and exceptional conditions pertaining to the particular piece of property. As part of a historic, continuous row of rowhouse structures, this dwelling does not have the typical clearance on the west side for access. Instead it is composed symmetrically on the lot, spanning the full east-west width of the lot and physically connected to its neighbors. These unique site conditions and characteristics constitute extraordinary and exceptional conditions within the district.

b) These conditions do not generally apply to other property in the vicinity. While these conditions do in fact apply to numerous immediate neighboring properties, they are not prevailing in the district, which generally includes more typical lot configurations, with structures offset to the east or north of a lot, and separations between dwellings.

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. As evidenced by our study of prevailing lot coverage conditions in the vicinity, the vast majority of dwellings have similar rear additions + setback conditions and/or significantly greater lot coverage.

d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. The proposed modifications will not adversely affect either the adjacent properties or the neighborhood. The proposed addition is a smaller version of the taller, wider additions present on each adjacent dwelling. Care has been taken in the design to respect the existing architecture, including a non-original but impressive iron balcony, and the proposed addition is sympathetic to the existing urban fabric and urban environment.
2. SPECIAL EXCEPTION: Requesting a special exception to extend a non-conforming side setback to construct a 1-story addition, centered on the south side of the house. The existing house is built to the property line on both east and west sides; the proposed west side setback at the new addition is 3' 8", 7'-0" required.

As referenced in the Ordinance - §54-1001, the proposed addition is (1) limited to extending or increasing the non-conforming use then in existence; and (2) would not result in an unreasonable intensification of the non-conforming use.

Please note the receipt of letters of support from both adjacent neighbors.
23 Tradd Street was constructed c. 1800 by merchant William Bell following a series of fires that devastated much of the City. The building was originally separated into two residences by a central alley at the ground floor that led to the rear yard. During the Reconstruction Era, the building was occupied as廉租房 housing and had fallen into severe disrepair when it was purchased by Susan Pringle Frink around 1918. As part of a larger restoration of multiple homes on the street, Frink converted the building to a single residence and ultimately sold it to the Drexel Foundation in 1953. The current residence is the product of this restoration. During their ownership, additional land to the south (previously occupied by cow sheds and cotton yards) was purchased and the walled garden and garage structure were constructed using salvaged bricks from the area. It was during this time that the iron balcony, found abandoned in a garage on Heyward Street, was installed at the rear elevation. The home was subsequently passed down to the Biltman family, who hired New York architect John Churchill to renovate the interiors, including moving the dining room and kitchen to the front of the house so that the living room could be placed at the rear, overlooking the garden.

The photos on sheet A-004 show the building as it was purchased by Frink, with its original double entrances (now replaced by a single entry and windows), and after the iron balcony was installed in the 1950s, as well as images of the building as it was during the 1930s and 1940s. The property was listed on the National Register of Historic Places in 1974, with a significant National Register nomination in 1979.

Research indicates that the door and balcony of the rear façade date to the 1930s, and would have replaced the central alley indicated on the early Sanborn Map.
To: Mr. Lee Batchelder, City of Charleston  
Re: BZA-Z Submittal for 23 Tradd Street

Dear Mr. Batchelder,

We have seen the proposed design for a rear addition at 23 Tradd Street, and we would like to express our support for this BZA-Z application.

Thank you for your consideration.

Name: [Signature]
Address: 19 Tradd St, SC
Date: 5/21/21

ADDITIONAL COMMENTS, if any:
To: Mr. Lee Batchelder, City of Charleston  
Re: BZA-Z Submission for 23 Tradd Street

Dear Mr. Batchelder,

We have seen the proposed design for a rear addition @ 23 Tradd Street, and we would like to express our support for this BZA-Z application.

Thank you for your consideration.

Joanne Campbell

Name

25 Tradd St.

Address

4.23.21

Date

ADDITIONAL COMMENTS, if any:
Agenda Item #B-5

244 SAINT MARGARET STREET
(WAGENER TERRACE)
TMS # 463-10-03-040

Request special exception under Sec. 54-110 to allow a 2-story addition (garage/bedroom/closet/bath/living room) that enlarges a non-conforming duplex use.

Request special exception under Sec. 54-110 to allow a 2-story addition (garage/bedroom/closet/bath/living room) that extends a non-conforming 5-ft. east side setback (9-ft. required).

Request variance from Sec. 54-301 to allow a 2-story addition (garage/bedroom/closet/bath/living room) with a 3-ft. rear setback (25-ft. required).

Zoned SR-2
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-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 3 of this application.
□ Reconsideration of a decision of the Board or action of a zoning official (attach appeal form).
□ Extension of the unexpired Variance and/or Special Exception approval.

Meeting Date Requested: May 18, 2021

Property Address: 244 Saint Margaret St
TMS #: 463-100-3040

Property Owner: John Mustafa
Daytime Phone:

Applicant: Spencer Webster
Daytime Phone: (843) 693-8292

Applicant's Mailing Address: PO Box 1985, Folly Beach, SC 29439
Email Address: spencer@websterlawfirm.com

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

Zoning of property: SP-2

Information required with application: (check information submitted)
□ Scale 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 SFHA units and platform on scaled plans N/A
□ Scale floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all residential variances and building additions, unless exempted by the Zoning staff (3 sets)
□ Plan or documents necessary to show compliance with special exception requirements (3 sets)
□ Check copy deed or cash (makes check payable to the City of Charleston) TBD
□ “SG” or “SFNO” – Is this property restricted by any recorded covenant that is company to, conflicts with or prohibits the proposed land use encompassed in this permit application? Yes/No

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

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

Applicant: Scott Johnson
Date: 4/16/21

For which use only
Date application received
Attachment Fee 5
Receipt #
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance is not met (add as an attachment if necessary):

**See attached letter**

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

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

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

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

**See attached letter**

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

Department of Planning, Preservation & Sustainability 2 George Street  Charleston, South Carolina 29401
(843) 724-3781  www.charleston-sc.gov/zoning
April 16, 2020

Michael C. Robinson, Chair
City of Charleston Board of Zoning Appeals - Zoning
2 George Street
Charleston, SC 29401

Dear Chairman Robinson and Members of the Board:

On behalf of the owner of 244 Saint Margaret Street, this application requests a special exception pursuant to Ordinance 54-110 as to the expansion of a nonconforming use, a special exception to extend an existing nonconforming side setback; and a variance pursuant to City Ordinance 54-301 as to the rear setback. To modernize the home for his family, my client wishes to add a master bedroom suite to the second floor; and to create covered parking beneath this new living space. All adjacent neighbors and the Wagener Terrace Neighborhood Association have been notified of this pending application.

Special Exception Requests:

The property is zoned for single-family residences, but like both adjacent properties and many homes in this area, it has a long-standing second unit with a separate address and water meter. This nonconforming unit pre-dated the current owner, who now wishes to expand the second story for additional living space. It would not intensify the use nor create any additional impacts on traffic, parking, or aesthetics.

The property also has an existing side setback on Saint Margaret Street of 3’ from the property line. This application seeks to have a side setback of 5’ for the addition. The proposed setback would be less intense than the existing nonconformity, but would nevertheless extend the existing nonconformity. Because it actually steps in from the existing structure, it would not create any additional adverse impacts.

Variance Request:

As to the second request, we request a variance into the rear setback. The new addition would extend the existing structure towards the rear property line, with the farthest portion of the encroachment reaching 3’. The proposed structure would still comply with applicable lot coverage, parking requirements, and all other setback requirements.
Because the house is an older structure on a corner lot with all surrounding properties already encroaching into the nearby setbacks, we request a variance to overcome these extraordinary and exceptional circumstances. This area within the 25’ rear setback is the only area suitable for expansion of the house within the allowable lot coverage. Without a variance, the owner would be unreasonably restricted from the use of the property.

The variance would not be a detriment to adjacent properties and it would be in keeping with the existing character of the neighborhood. Nearly every home in this area encroaches significantly into the setback areas (see attached GIS), simply as part of the charm of this historic neighborhood so near the City’s urban center. The adjacent property owner is also building a garage near the adjacent property line, and this would be a natural continuation of that sight line.

We are grateful for the board’s consideration of these requests and look forward to presenting this application at the upcoming Board meeting.

Sincerely yours,

Spencer Wetmore
Saint Margaret Block
#

Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in this map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.
Agenda Item #B-6

1404 HOLT STREET
(GARDEN KIAWAH)
TMS # 464-14-00-048

Request variance from Sec. 54-301 to allow a 2-story addition (garage/bedroom/bath/home office) with a 1-ft. north side setback (9-ft. required). Zoned SR-1
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-2)

City of Charleston

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

THE APPLICANT HEREBY REQUESTS:

☐ A Variance and/or Special Exception as indicated on page 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: 5/19/21

Property Address: 4044 Harrietta TMS #: 45944000045

Property Owner: Sally Sullivan Daytime Phone: 843-452-3767

Applicant: Mike Forbush Daytime Phone: 843-357-8357

Applicant’s Mailing Address: 35 Rice Drive, Charleston, SC 29407

E-mail Address: michaelforbush@comcast.com

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

Zoning of property: SR-1

Information required with application: (check information submitted)
☐ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platforms on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? Yes No 6-29-1142 of the South Carolina Code of Laws

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

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

Applicant: Mike Forbush Date: 5/17/21
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):


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

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

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

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


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

The properties directly adjacent to the North and East sides of this residential lot are both commercial properties. Additionally, when the use of the adjacent property to the North changed from residential to commercial, in order to accommodate the hardware store, nursery and commercial parking, this lot became the last remaining residential lot on the east side of Holt Street. The addition of the hardware store at the end of Holt Street has altered the character of the once dead end street by significantly increasing the commercial through traffic and on street parking demand on Holt Street. Given the new circumstances, the homeowners desire secure, off-street parking.

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

1405 and 1407 Holt Street, directly across the street are near their property lines and appear to not meet current setbacks. There are also structures from lots facing Courtland Ave that do not meet current setbacks along Holt Street. The neighboring lot is no longer residential and being used for commercial purposes.

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

In addition to the change in use from residential to commercial for the lot directly to the north of this property, the other properties on Holt Street feature several non-conforming setbacks. If the current homeowners are not able to secure permission to add secure parking and space for a home office, the property will no longer fit their needs, as it has up until now, and they would be forced to move out of the neighborhood to a new home. They are the original owners of the property, active and invested in this neighborhood and they would like to be able to remain in place.

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

The front elevation of the addition will be beyond the setback along the street with the only potential impact being to the neighboring commercial property to the north which contains a tree nursery and parking lot. The owner of this business is in support of this variance request, as are a number of the surrounding neighbors.
As a neighbor of Sully and Kate at 1404 Holt Street, I have been told of their desire to add an addition for storage, parking and home office workspace to the north side of their home. I also understand that this addition will require them to build into the property's prescribed north side setbacks and that they are seeking to obtain a variance in order to do so. I would like the BZA to know that I fully support this project and I would encourage the Board of Zoning to give the necessary approvals required for them to proceed with this process.

Sincerely,

[Signature(s)]

[Printed Name(s)]

[Address]
As a neighbor of Sully and Katie at 1404 Holt Street, I have been told of their desire to add an addition for storage, parking and home office workspace to the north side of their home. I also understand that this addition will require them to build into the property’s prescribed north side setbacks and that they are seeking to obtain a variance in order to do so. I would like the BZA to know that I fully support this project and I would encourage the Board of Zoning to give the necessary approvals required for them to proceed with this process.

Sincerely,

[Signature]

Printed Name(s)

1404 Holt Street

Address

RECEIVED

APR 19 2021
As a neighbor of Sully and Kasia at 1404 Holt Street, I have been told of their desire to add an addition for storage, parking and home office workspace to the north side of their home. I also understand that this addition will require them to build into the property's prescribed north side setbacks and that they are seeking to obtain a variance in order to do so. I would like the BZA to know that I fully support this project and I would encourage the Board of Zoning to give the necessary approvals required for them to proceed with this process.

Sincerely,

[Signature]

Signature(s)

Kimberly L. Hines

Printed Name(s)

1404 Holt St.

Address

Charleston, SC 29403

RECEIVED

APR 1 2021
As a neighbor of Sully and Katie at 1404 Holt Street, I have been told of their desire to add an addition for storage, parking and home office workspace to the north side of their home. I also understand that this addition will require them to build into the property’s prescribed north side setbacks and that they are seeking to obtain a variance in order to do so. I would like the BZA to know that I fully support this project and I would encourage the Board of Zoning to give the necessary approvals required for them to proceed with this process.

Sincerely,

[Signature]

[Printed Name(s)]

[Address]

RECEIVED
APR 19 2021
Agenda Item #B-7

1555 JUNIPER STREET  
(ARDMORE/SHERWOOD FOREST)  
TMS # 350-03-00-185-186  

Request variance from Sec. 54-301 to allow construction of an attached dwelling unit on Lot 2 with a 2-ft. east side setback (3-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 officer (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval

MEETING DATE REQUESTED: May 18, 2021

Property Address 1505 Juniper Street
TAS # 350-03-00-185-186

Property Owner City of Charleston
Daytime Phone 843-965-4181

Applicant Forsberg Engineering, c/o Trey Linton
Daytime Phone 843-571-2022

Applicant’s Mailing Address: P.O Box 30675, Charleston, SC 29417

E-mail Address linton@forsberg-engineering.com

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

Zoning of property DR-1

Information required with application (check information submitted)
☐ Scattered 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 scattered plans
☐ Scattered floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density bonuses 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 other payment checks payable to the City of Charleston

YES or NO - Is the Property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the proposed land use encompassed in this permit application? § 6-79-1145 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 any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant Signature

Date

For office use only

Date application received
Notarized

Fee $  
Receipt #
BZA-Z Application (continued)

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

Request variance from section 54-301(d) having a Z setback (lot 3) where 3-ft required.

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

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Law § 6-29-603)

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

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.
GROUND FOR VARIANCE
TMS Parcel No.: 350-00-00-185
Location: 1555 Juniper Street
Owner/Applicant: City of Charleston

Overview of Application

The Applicant, the City of Charleston, is the owner of 1555 Juniper Street in West Ashley. The property is comprised of approximately 0.6 acres. The site is zone DR-1 Diverse Residential. The Applicant has had numerous meetings and conference calls with the City’s planning staff to review various site configurations to accommodate the park as well as the residential units. During these meetings, different approaches to the residential units were discussed. After exploring various alternative layouts with City planning staff, the Applicant agreed to design the lot for 10 residential for-sale townhouses for sale.

To have the most attractive street appearance, the owner and the city staff sought a plan where the residential units would be built facing the streets. The parking will be surface parking behind the buildings that is not visible from the street. The Applicant went to considerable lengths in the design of the buildings to make them attractive and to conform them the suggestions of the City staff for planning and architecture.

The building layout and site plan consist of four two-unit townhomes along Juniper Street and one two-unit townhouse at the rear of the site. See site plan provided along with application.

The building design and layout requires a variance from Section 54-353:

1. A variance from the side setback requirements of Sec. 54-353(d)

Grounds for Requested Variances

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

This property is zoned DR-1 (Diverse Residential 1) where as they neighboring properties are zoned SR-2 (Single Family Residential). The property is zoned differently than other parcels within the neighborhood to allow denser construction. The City has a desire to construct affordable housing on the property.

Further, due to the City’s preference for sale townhouses over the many more condominiums or apartments that could be constructed there, the size of the site necessarily means that there must be a significant reduction in the number of dwelling units. The Applicant’s plan for townhouses accomplishes the Applicant’s and City’s goals for this location while rending the project financially feasible, especially considering high quality of the buildings’ design and its construction materials at this high visibility location.
The City expressed a distinct preference for that the residential use be for-sale affordable housing townhouses.

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

As described in the Overview and the answer to No. 1, the unique zoning of this site as well as the desire to add more affordable units objective of the City do not apply to any other properties 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.

If the variances are not granted, the Applicant will be prohibited from proceeding with the plan and architectural design favored by it and the City. The design team has worked closely with City planning and zoning staff to utilize the property in the best manner. The design team has addressed a number of staff concerns while also achieving the City’s goal of providing more affordable housing. These alternative residential types are not what the City wants to see in this unique location. It is highly unlikely that these alternative residential uses or plans would provide the aesthetic quality, appearance, and “feel” desired by the City.

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 variance request will allow the desired number of units to be constructed on the site. This project will create more affordable housing in the City of Charleston and that is a priority of the City administration. The neighborhood will be improved with the proposed housing units.