City of Charleston

BOARD OF ZONING APPEALS-SITE DESIGN

June 1, 2022
5:00 PM

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

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

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

Joel Adrian
Amanda Graham Barton
Jennifer DeCiantis
Paula Murphy

Ruthie Ravenel
Kelvin Huger
Jeff Webb

Your City of Charleston Staff are:

Lee Batchelder, Zoning Administrator
Scott Valentine, TRC Coordinator

Eric Schultz, Board Administrator/Principal Planner

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

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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.
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 the May 4, 2022 BZA-SD Meeting Minutes.

To be provided at the meeting.
Agenda Item #B-1

939 RUTLEDGE AVENUE
(Wagner Terrace)

TMS # 463-08-01-061
Request a variance from Section 54-327 to allow the removal of one grand tree.

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

City of Charleston

Instructions: This application, along with the submitted information, must be submitted in PDF format to the Board Administrator at SLUGITZ@charlestonsc.gov. Applicants will then be notified of the required fee. 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 on the day of the Board meeting. Applicants cannot be issued during a five (5) business day appeal period following the decision of the Board. An appeal to the Board during this five (5) business day appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
- A Variance and/or Special Exception as explained on page 2 of this form.
- Tree Removal
- Landscape/Buffers
- Parking Surface
- Other
- Reconsideration of a decision by the Board or action of a zoning official (attach Appeal Form).
- Extension of an expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: 6/1/2022

Property Address: 939 Rutledge Avenue
TMS #: 12-16-064643

Property Owner: Jennifer Hall
Daytime Phone: 843-271-8099

Applicant: Jennifer Hall
Daytime Phone: 843-271-8099

Applicant’s Mailing Address: 939 Rutledge Avenue, Charleston, SC 29403

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

Zoning of property: M-2

Information required with application:
- Sufficient site plans or plat showing the variance(s) or special exception(s) being requested (3 sets)
- Photographs of the site, including trees to be removed, quality trees to be saved by removing, others, etc.
- For requests to remove trees, a report from a qualified arborist
- Check credit card or cash (note: no credits payable to the City of Charleston)
- Yes or No - Is this property a historic property or is it occupied by an obligee, in violation of any other covenant or agreement, in violation of local, state, or federal laws?

Optional but very helpful information:
- Letters or letters or reports or other documents directly affected by your request
- Statements from any other persons 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 the Zoning Ordinance, 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 noted with a notice of the hearing before the Board and inspected.

Applicant: Jennifer Hall
Date: 5/17/2022

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 B 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 FAX (843) 724-3772 www.charleston-sc.gov
May 17, 2022

To the Board of Zoning Appeals,

We are asking for a variance to remove a pecan tree from our backyard. This tree was inspected by both the city of Charleston and a local arborist and has been deemed healthy. We are fortunate that our lot is twice the size of most lots in our area. As such, we are making plans to install a pool in our backyard. Unfortunately, this tree would limit our ability to install the pool due to its location. And even if we were to try and build around it, the fruits this tree bears would create a considerable mess and possible damage to the pool. The tree is so large that you can't harvest the fruit it bears to enjoy. Instead, we would like to remove the tree, install a pool and then plant new trees in our front yard. We have already contacted a landscaper and have plans to plant approximately 6 fruit trees along our fence line as well as 2 magnolia trees in the front yard near the street easement. I am attaching the pool plans which do show where the tree is currently and will make it easier to understand why we are making this request. I have also attached the estimate for the replacement trees we would like to plant. The adjacent property that would potentially affected by removal of this tree is currently vacant and undergoing renovations. This is why we do not have letters from our neighbors. We are also happy to make a donation to a tree fund of the city choosing to offset this ask.

I very much thank you for your time and consideration of this request.

Jennifer Hajj
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, June 1, 2022

ITEM B 1
939 RUTLEDGE AVE
(Wagner Terrace)
TMS# 463-08-01-061
ZONED SR-2