City of Charleston

BOARD OF ZONING APPEALS-SITE DESIGN

June 2, 2021
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.
Virtual Meeting Protocol

Staff will control the slides displayed throughout the meeting.

Applicants, staff, Board members and members of the public should give their name first whenever speaking.

Applicants and members of the public must be sworn in before speaking for the first time.

Only attendees who have registered to speak before the deadline at noon today may speak during the meeting.

Video and microphone have been disabled for all attendees. Attendees will only be given the capabilities to speak when they are called on during the public comment period.

Board members who need to recuse themselves from voting will be temporarily removed from the meeting and re-admitted prior to addressing the next item.

If the Board needs to go into Executive Session, they will call into a separate conference line and all video and audio on Zoom will be temporarily turned off until they are ready to return to the regular meeting.

Chat has been disabled for everyone.

This meeting is being recorded.
The Board of Zoning Appeals—Site Design 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-Site Design

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.
Public Comment

Order on Each Application:

- Chair announces each application followed by staff presentation and recommendation.
- Staff will call on applicant to present their application after being sworn in by Chair.
- Staff will open the public comment period to receive comments from registered attendees in favor (first spoken, then written). Each speaker will be sworn in by the Chair.
- Staff will then recognize registered attendees for public comments in opposition after speaker is sworn in (first spoken, then written).
- Staff will recognize the applicant for a short rebuttal.
- Chair will then close the public comment period and begin Board discussion.

Providing Comment:

- If you submitted a request to speak on an item before the deadline, staff will call your name when it is your turn to speak and enable your microphone.
- Your microphone will be disabled after you are done speaking.
- You may only speak once for each item and you must state your name and address for the record or you will not be permitted to provide comment.

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

• Following public comment period, Board members can make comments, ask questions and make motions.

• After a motion and second, Board members will vote “Aye, in favor” or “Nay, not in favor”. If vote is not unanimous, Chair will poll each member for their vote. The Chairman shall announce the vote on the motion and the final decision on the application.

• If a Board member needs to recuse, he will be temporarily removed from the meeting and placed back in the meeting at the start of the next agenda item.

• If the Board needs to go into Executive Session, they will call into a separate conference line and all video and audio on Zoom will be temporarily turned off until they are ready to return to the regular meeting.
Agenda Item #A-1

Approval of the April 28, 2021 Special Meeting and May 5, 2021 BZA-SD Meeting Minutes.

Approval of the Agenda

1. Approval of the April 28, 2021 Special Meeting and May 5, 2021 BZA-SD Meeting Minutes.
8. WILLIAM L. MURRAY BOULEVARD & GLENN — APP. NO. 2104-28-06
MCCONNELL PARKWAY (W Ashley) (TMS#49008-99-99 & 971-99)

Request a variance from Sec 54-327 to allow the removal of three large trees.

Request a special exception from Sec 54-327 to allow the removal of three large trees.

Owner: University Medical Associates of the MUGO
Applicant: Sasser/Mullis/Euless & Associates
Zoned: O-A

APPROVED: 0  WITHDRAWN: 0
DISAPPROVED: 0  DEFERRED: XX

MOTION: Deferred

MADE BY:  SECOND:  VOTE: FOR  AGAINST

7. WEST WILDCAT BOULEVARD & GLENN — APP. NO. 2104-28-B7
MCCONNELL PARKWAY (W Ashley) (TMS#49008-98-000)

Request a variance from Sec 54-327 to allow the removal of nine tree locations.

Request a special exception from Sec 54-327 to allow one grand tree.

Request a variance from Sec 54-327 to allow a reduced impervious construction setback near the base of three grand trees.

Owner: The Sundance Company
Applicant: HLA, Inc.
Zoned: LE & GO

APPROVED: 0  WITHDRAWN: 0
DISAPPROVED: 0  DEFERRED: XX

MOTION: Deferred

MADE BY:  SECOND:  VOTE: FOR  AGAINST

8. 1560 GREENLEAF STREET (Four Mile Drive)
(TMS#49008-99-008 & 999-99-008 & 999-99-008 & 999-99-008)

Request a variance from Sec 54-327 to omit the 16 protected trees per acre requirement.

Owner: Kinder Morgan Terminals
Applicant: Kinder Morgan Terminals
Zoned: HI

APPROVED: XX  WITHDRAWN: 0
DISAPPROVED: 0  DEFERRED: 0

MOTION: Staff recommendations & conditions:
1. Must plant 126" caliber trees in the buffer.
2. Must plant 50" of the mitigation on the KMT properties.
3. Must plant 126" of the mitigation in the City of Jacksonville.

MADE BY: VOTE: FOR  AGAINST

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MAY 5, 2021

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5. KINGS LINE STREET (Cameo Borough) (APP. NO. 2105-05-02) (TP45406-00-05-00-GP, 010-005, 015, 109-114, 117-122, 124)

Request a variance from Sec. 64-327 to allow the removal of seven grand trees. Request a special exception from Sec. 64-327 to allow the removal of one grand tree. Request a variance from Sec. 64-327 to allow the removal of 15 protected trees per acre requirement. Owner: Levering Publishing Co. Applicant: Dawson Whitaker

APPROVED 0 WITHDRAWN 0 DISAPPROVED 0

MOTION: Deferred. MADE BY: __________ SECOND: __________ VOTE: FOR ______ AGAINST ______ *Motions carried

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2. SANDERS STREET (East Ashley) (APP. NO. 2105-05-62)

Request a variance from Sec. 64-327 to allow the removal of four grand trees. Owner: Rawsoner LLC. Applicant: Thomas M. Pritt.

APPROVED XX WITHDRAWN 0 DISAPPROVED 0

MOTION: Staff recommends & conditions:
1. Must a Certified Arborist prune and treat the grand trees to be preserved.
2. Must use a disinfectant on tree protection barriers.
3. Must provide a grading and landscape plan for staff review.
4. The applicant has a Certified Arborist and must treat the grand trees to be preserved.

MADE BY: Addison SECOND: Whitaker VOTE: FOR ______ AGAINST ______ *Motions carried

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3. WILLIAM E. MURRAY BOULEVARD (Cameo Borough) (APP. NO. 2105-05-63)

Request a variance from Sec. 64-327 to allow the removal of eight grand trees. Owner: University Medical Associates of the MDC. Applicant: Seamon+Whitaker + Associates

APPROVED XX WITHDRAWN 0 DISAPPROVED 0

MOTION: Staff recommends & conditions:
1. Must a Certified Arborist prune and treat the grand trees to be preserved.
2. Must use a disinfectant on tree protection barriers.
3. Must maintain the existing grade in the required TF2 for the two grand trees to be preserved.
4. Must maintain the existing grade in the required TF2 for the six grand trees to be preserved.

MADE BY: Addison SECOND: Whitaker VOTE: FOR ______ AGAINST ______ *Motions carried

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4. ADDENDUM (Cameo Borough) (APP. NO. 2105-05-02) (TP45406-00-05-00-GP, 010-005, 015, 109-114, 117-122, 124)

Request a variance from Sec. 64-327 to allow the removal of seven grand trees. Request a special exception from Sec. 64-327 to allow the removal of one grand tree.

APPROVED XX WITHDRAWN 0 DISAPPROVED 0

MOTION: Deferred. MADE BY: __________ SECOND: __________ VOTE: FOR ______ AGAINST ______ *Motions carried

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5. CAPTAINS ISLAND DRIVE (Island Park) (APP. NO. 2105-05-01) (TP45406-00-05-00-GP, 010-005, 015, 109-114, 117-122, 124)

Request a variance from Sec. 64-327 to allow the removal of one grand tree. Owner: True (Collab) Applicant: Erin Edwards

APPROVED XX WITHDRAWN 0 DISAPPROVED 0

MOTION: Staff recommends & conditions:
1. Must a Certified Arborist prune and treat the grand trees to be preserved.
2. Must use a disinfectant on tree protection barriers.
3. Must provide a grading and landscape plan for staff review.

MADE BY: Addison SECOND: Whitaker VOTE: FOR ______ AGAINST ______ *Motions carried

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6. ARMSIDE STREET (East Ashley) (APP. NO. 2105-05-02) (TP45406-00-05-00-GP, 010-005, 015, 109-114, 117-122, 124)

Request a variance from Sec. 64-327 to allow the removal of 15 protected trees per acre requirement. Owner: Levering Publishing Co. Applicant: Dawson Whitaker

APPROVED 0 WITHDRAWN 0 DISAPPROVED 0

MOTION: Deferred. MADE BY: __________ SECOND: __________ VOTE: FOR ______ AGAINST ______ *Motions carried

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In accordance with the Americans with Disabilities Act, people who need alternative formats please contact Edward at [540] 277-1209 or edward@whitakerassociates.com three business days prior to the meeting.
Agenda Item #A-2

KING STREET
(Cannonborough/Elliottborough)

TMS # 460-08-02-007, 010-013, 015, 109-114, 117-122, 124)
Request a variance from Sec 54-327 to allow the removal of six grand trees.
Request a variance from Sec 54-327 to allow the relocation of one grand tree.
Request a special exception from Sec 54-327 to allow the removal of one grand tree.
Request a variance from Sec 54-327 to omit the 15 trees per acre requirement.

Zoned GB – (A)
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):

Please see attached for detailed variance request.

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**Variance Test:** The Board of Zoning Appeals-Site Design is authorized to approve a variance from the requirements of the Zoning Ordinance when such 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 the public health, safety, or general welfare. (SC Code of Laws Section 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 Sec. 54-329, Sec. 54-511(b), or Sec. 54-513 (add as an attachment if necessary):

Please see attached for detailed special exception request.

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

CURRENT REQUESTS OF THE BOARD

1. Removal by Variance of four (3) Type I Grand Trees: 14/18/18.5” (50.5” Total) Live Oak (Grade B), 33” Live Oak (Grade B), and 22.5/28” (50.5”) Live Oak (Grade B)

2. Removal by Variance of three (3) Type II Grand Trees: 7/57/58/11” (34” Total) Magnolia (Grade C), 27” Laurel Oak (Grade D), and 24” Pecan (Grade D).

3. Removal by Special Exception of one (1) Type IV Grand Trees: 27.5” American Elm (Grade D)

4. Removal of 74 Protected Trees, which falls below 15 Protected Trees per acre. The site is 3.3 acres with 74 Protected Trees, so the site currently has 22.4 Protected Trees per acre.

5. Relocation of one (1) Type I Grand Tree, a 37” Live Oak (Grade B), which will remain on-site.

Evaluation Procedures: The trees have been evaluated by a Certified Arborist (Mike Russell from Natural Directions) who verified species and caliper size from the survey and conducted an evaluation based on the health, structure, and general condition of the trees (A through F).

Thank you for reviewing our submittal to the Board of Zoning Appeals – Site Design. Below you will find our responses addressing the four hardships as listed in the variance test of Section 54-824 of the City of Charleston Zoning Ordinance.

1. There are extraordinary and exceptional conditions pertaining to this particular piece of property as enumerated below:

   A. Location of Significant/Grand Trees: The majority of the property’s significant/Grand trees are located towards the center of the site and are therefore extremely challenging to work around. This condition is particularly restrictive as the proposed development has strategically given up buildable zoning envelope and located all of the site’s parking and the majority of the project’s density at the center of the property to appeal to pedestrian sightlines and allow for smaller buildings on the western edge of the site that will align with the neighborhood feel of St. Philip Street.

   B. Irregular Parcel Shape / Surrounding Residences: The property’s irregular shape and direct proximity to adjacent residences limit its developable area. Additionally, Greystar and Evening Post Industries (“EPI”) have worked closely with the property’s neighbors and have agreed to provide additional walls that will help increase separation and improve the aesthetic of the site’s property lines. This concession further limits development options for the rest of the site.

   C. New Shared Alleyway: In addition to a North/South alley that will provide pedestrian connectivity throughout the site and breakup the project’s overall building footprint, the property’s development options are also impacted by the desire to provide a new shared alley at the rear of the site. The proposed alley will epitomize the character and ambiance of Charleston alleyways and provide a picturesque thoroughfare that will greatly enhance the pedestrian connectivity between King Street and the property’s surrounding neighborhoods.

   D. Unprecedented Level of Workforce Housing: Greystar and EPI have volunteered to go well above the current ordinance’s requirements and provide an unprecedented level of workforce housing. For this workforce housing commitment to be feasible, additional building coverage and density is required compared to properties without this commitment.

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

   A. Other properties in the vicinity do not generally have a substantial amount of centrally located grand/significant trees.

   B. Other properties in the area generally have not strategically given up a large portion of buildable zoning envelope, agreed to provide neighbors with additional site walls or provided workforce housing that well exceeds the requirements of the City’s ordinance.

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:

   A. Due to the conditions outlined above, the application of the ordinance to this site would prohibit the proposed project from being built and would severely restrict the developability of the property.

4. 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:

   A. Neighborhood Support: The surrounding Cannonborough-Ellicottborough neighborhood strongly supports the proposed project as it will dramatically improve the appearance and energy of the property, which is currently utilized as a parking lot. Furthermore, the project team has worked extensively to address each of neighborhood’s primary considerations, particularly regarding Short Term Rentals and late-night uses where EPI and Greystar have agreed to self-impose deed restrictions that will prevent these activities on-site. The Cannonborough-Ellicottborough neighborhood unanimously voted to support the project at its neighborhood meeting and has spoken in favor of the project at both Planning Commission and City Council.

   B. Workforce Housing: The project’s unprecedented commitment to workforce housing will significantly benefit the public good by generating the high-quality workforce housing that both the City and neighborhood have consistently emphasized as a primary area of need for the community.

   C. Tax Revenues: The proposed project will create a substantial amount of additional tax revenue to be reinvested back into the community.

   D. Pedestrian Connectivity: The project’s pedestrian alleyways will provide much needed connectivity between the Cannonborough-Ellicottborough neighborhood and King Street and will significantly enhance the character and fabric of both adjacent properties and the district.

   E. Relocated Grand Tree / New Park: The project will relocate the existing 37” Live Oak from the center of the site to a new park/garden on the southwest corner of the property, directly adjacent to St. Philip Street and the North/South pedestrian alleyway mentioned above. This new park will serve as an additional benefit to the public good and further enhance the character of the district by providing a picturesque locale to congregate and enjoy both the relocated Grand Tree and the additional landscaping created by the park.
ITEM A 2
King and Line St
(Cannonborough/Elliotborough)

TMS# 460-08-02-007, 010-013, 015, 109-114, 117-122, 124

ZONED GB-A
TOTAL OF GRAND TREES TO BE REMOVED:
GRADE 6 - 3 TREES - 134.4 DSH
GRADE 6 - 1 TREES - 144.0 DSH
GRADE 6 - 3 TREES - 76.0 DSH
TOTAL - 7 TREES - 244.4 DSH

**ALL GRAND TREE REMOVALS WILL BE SUBMITTED TO SZA-5D FOR APPROVAL**
TOTAL PROTECTED TREES TO BE REMOVED: 81 TREES
Agenda Item #B-1

137 BROGUN LANE
(Shadowmoss)

TMS # 358-09-00-182

Request a variance from Sec 54-327 to allow the removal of one grand tree.

Zoned SR-1
BZA-SD 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 a variance from the city ordinance to allow the removal of an oak tree (ordinance prohibits the removal of trees having a 24" or greater DBH) for construction of residential home in Ashley's marsh. Approval was granted previously in 2012 but construction was not begun. Site plan, Arborist Report are submitted.

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

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

In granting a variance, the Board may attach to it such conditions 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 6-29-800)

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 Sec. 54-329, Sec. 54-511(b), or Sec. 54-513 (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.
ITEM B 1
137 Brogun Ln
(Shadowmoss)

TMS# 358-09-00-182

ZONED SR-1
Tree Grade for 54.2 inch Water oak:
- Fair. The live crown ratio is 50% but the tree is showing signs of decline. The tip droop and early fall color are an indication of decline. Construction activity will cause further stress to the tree. Tree could be considered for removal.

Tree Grade for 20 inch Water oak:
- Fair. The live crown ratio is 30% but the unstable union with the neighboring pecan tree is a structural concern. Tree could be considered for removal.

Tree Grade for 39.5 inch Water oak:
- Poor. The live crown ratio is 30% to 75%. However, there is a large cavity on a main scaffold limb. Removing this limb would improve the health of the tree and leaving the limb poses a safety concern. Tree is recommended for removal.

Chloe Poole
ISA Certified Arborist IL-94005U

Supplemental Photos

34.2 inch Willow oak
20 inch willow oak with unstable union to pecan tree

39.5 Pecan tree
Agenda Item #B-2

THERESA DRIVE
(James Island)

TMS # 424-10-00-030

Request a variance from Section 54-327 to allow the reduction in a required landscape buffer.

Zoned STR and DR-1
BZA/SD Application (continued)

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

See attached document.

Variances Test: The Board of Zoning Appeals-Site Design 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, application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws Section 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 Sec. 54-329, Sec. 54-511(b), or Sec. 54-513 (add as an attachment if necessary):

Optional but very helpful information:
- 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 hearing before the Board and inspected.

Applicant: ________________________________ Date: 6/27/21

For office use only

Date application received ___________________________ Fee: $ ___________________________ Time application received ___________________________ Receipt #: ___________________________

City of Charleston

Application for Variance; Special Exception, Reconsecration, or Extension to the Board of Zoning Appeals – Site Design [BZA-SD]

Instructions - Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals-Site Design. Permits authorized by the Board 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.

TIME APPLICANT MERCERY REQUESTS:
☐ A Variance and/or Special Exception as explained on page 2 of this form.
☐ Tree Removal ☐ Landscaping/buffers ☐ Parking surface ☐ Other
☐ Reconsecration of a decision of the Board of action of a zoning official (attach Appeal form)
☐ Extension of an Unexpired Variance and/or Special Exception Approval.

MEETING DATE REQUESTED: June 2, 2021

Property Address: Lot 1A Theresa Drive, Charleston, SC TUS #: 424-10-00-081

Property Owner: Theresa Drive Development, LLC Daytime Phone: 704-307-8265

Applicant: SGA | Nairnmore Wright Daytime Phone: 843-224-8804

Applicant’s Mailing Address: 804 Meeting Street, Suite 103, Charleston, SC 29403

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

Zoning of property: STR/DR1

Information required with application: (check information submitted)
☐ Scaled site plan or plat showing the variance(s) or special exception(s) being requested (3 sets)
☐ Photographs of the site, grand trees to be removed, quality trees to be saved by removing others, etc.
☐ For requests to remove trees, evaluations/reports from certified or qualified arborists
☐ Check, money order, or cash (make checks payable to the City of Charleston)
☐ YES ☐ NO – 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:
- 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 hearing before the Board and inspected.

Applicant: ________________________________ Date: 6/27/21

For office use only

Date application received ___________________________ Fee: $ ___________________________ Time application received ___________________________ Receipt #: ___________________________

Department of Planning, Preservation & Sustainability
2 George Street
Charleston, South Carolina 29401
(843) 724-8781 FAX (843) 724-3772 www.charlestonsc.gov

843/5/15

4/15

Department of Planning, Preservation & Sustainability
2 George Street
Charleston, South Carolina 29401
(843) 724-8781 FAX (843) 724-3772 www.charlestonsc.gov

City of Charleston
May 3, 2021

Eric Schultz, Principal Planner
City of Charleston, Department of Planning, Preservation & Sustainability
2 George Street, Charleston, SC 29401

Theresa Drive Townhomes - Project TMS: 424-10-00-081 Project ID: TRC-SF2021-000416

Eric,

As per our BZA-SD application we are seeking a variance for a portion of the bufferryards associated with this project. The majority of the bufferryards are planned to follow the current code. This parcel, due to its location adjacent to the Critical Line and the James Island Connector is subject to some rather substantial buffers. There is a 40’ wide “no touch” buffer adjacent to the Critical Line. This buffer is 304 feet in length and is .29 acres in area. There is a 50’ "natural" buffer along the James Island Connector. This buffer is 354 feet in length and is .37 acres in area. So, of the total site area of 1.876 highland acres, 35.14% (.66 acres) is taken up by these two buffers. We accept these buffers as required.

If these townhomes were being sold fee-simel no other bufferryards would be required between this project and the two adjacent properties, which are single-family attached structures. However, since these townhomes are being planned to be rentals, without individual property lines, the project is being treated as a multi-family project which requires a 25’ Type "D" Buffer, which would include 3 recommended trees, 4 understory trees, and 30 buffer shrubs for every 100 linear feet of buffer. Buffers are typically used to screen and soften the relationship between dissimilar uses. Here, the uses are similar. No buffer is really needed between these uses.

If the 25’ buffer along the other property lines were required, this would take up another .33 acres, making almost a full acre of the site (52.7% of the highland area) under required landscape buffers.

We are proposing, as an alternative (and seeking a variance for) a minimum 9’ (variable width) buffer that would be planted as a Type “A” buffer with 2 recommended trees, 3 understory trees, and 40 ornamental shrubs for every 100 linear feet of buffer. The buffer width is more typically 12’ in width but would be reduced to 9’-0” in very limited areas (see attached graphic). This proposed buffer would also include a 6’-0” tall opaque wood privacy fence at the property line.

There is a 25’ front setback on Theresa Drive but there is no buffer requirement. Within this 25’ setback we are also proposing a voluntary buffer (164 linear feet) with 6 canopy trees, 27 shrubs, and an additional 334 ornamental grasses in the open swale. Additionally, a previous applicant appeared before the BZA-SD seeking a variance for grand tree removals. This variance was granted, trees were removed, but no mitigation was ever implemented. This project will satisfy the mitigation of that previous project. Where possible, these trees will be planted in the buffers.

Due to the restrictions of required buffers applicable on the site, (critical line and Ji Connector) as outlined above, and the unusual configuration of the parcel, there are extraordinary and exceptional conditions pertaining to this particular piece of property. We accept these hardships but do take exception to the 25’ buffer between this project and adjacent single-family attached residences.

These conditions do not generally apply to other property in the vicinity which are all previously developed. Some of these parcels are in Charleston County and are not subject to City of Charleston requirements. In fact, these conditions would not even apply to this site, with the exact same building types as what are being proposed, if the ownership conditions were different (free simple townhomes v. rental townhomes).

Because of these conditions, the application of the ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. Charleston is in dire need of good, attainable rental housing, especially close to employment centers. This parcel can help meet that need. The application of the required 25’ buffer would reduce the number of units by up to 10 units – a 45% reduction in units – which would effectively prohibit the use of the site for the use for which it is zoned (DR-9 – Diverse Residential and STR- Single- and Two-family Residential).

The authorization of a variance will not be 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 fact, the units planned for this site, which are subject to DRB approval, would be substantially better than most of the residences along this street (see context photos and architect’s rendering of proposed structures). Theresa Drive is a very diverse street in terms of building type, style, placement, and landscaping. This project stands to be the highest quality project on the street. No other parcels on Theresa Drive are subject to DRB approval and many are in Charleston County, so not subject to any requirements of the City of Charleston.

We are seeking this variance not to abdicate any responsibility to do appropriate landscaping. We are proposing densely planted buffers in conjunction with a privacy fence. We are offering to voluntarily install a buffer along Theresa Drive (subject to TRC and DRB approval). We are seeking a variance for the buffer width simply to allow reasonable utilization of the site for the uses for which it is zoned. This project is subject to both TRC and DRB approval. It will receive a high level of scrutiny along this path.

We ask for you to approve this variance for buffer types between similar residential uses.

Regards,

William T. Eubanks, FASLA, LEED AP
Director, Planning and Landscape Architecture
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, June 2, 2021

ITEM B 2
Theresa Dr
(James Island)
TMS# 424-10-00-030
ZONED STR & DR-1
Agenda Item #B-3

584 MEETING STREET
(East Central)

TMS # 459-01-03-045

Request a variance from Section 54-327 to allow the removal of two grand trees.
Request a special exception from Section 54-327 to allow the removal of two grand trees.
Request a variance from Section 54-327 to omit the 15 protected trees per acre requirement.

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

City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete 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 – Site Design. Permits authorized by the Board 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 ☐ Landscaping/buffers ☐ Parking surface ☐ Other
☐ 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:
June 2, 2021

403-01-03-046

Property Address: 54 Meeting Street

TMS #

Property Owner: Meeting Street Acquisitions, LLC

Daytime Phone: 843-224-1180

Applicant: Funders Engineering & Surveying, Inc

Daytime Phone: 843-871-2622

Applicant’s Mailing Address: PO Box 16975, Charleston, SC 29407

E-mail Address: fenton@fundersengineering.com

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

Zoning of property: GB (Opportunity Zone)

Information required with application: (check information submitted)
☐ Scaled site plan or plat showing the variance(s) or special exception(s) being requested (3 sets)
☐ Photographs of the site, grand trees to be removed, quality trees to be saved by removing others, etc.
☐ For requests to remove trees, evaluations/reports from certified or qualified arborists
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or NO – is this property rezoned 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:
☐ 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 hearing before the Board and inspected.

Applicant:

Date: 5/6/21

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

6-29-1145

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401
(843) 724-5521 FAX (843) 724-3772 www.charleston-sc.gov

BZA-SD Application (continued)

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

APPLICANT REQUEST VARIANCE TO SECTION 54-327C (REMOVAL OF GRAND TREES).

- APPLICANT ALSO REQUESTS A VARIANCE TO SECTION 54-327B (a) and (c).

REMOVAL OF PROTECTED TREES AND PROTECTION OF 15 TREES PER ACRE REQUIREMENT

- APPLICANT REQUESTS A VARIANCE TO SECTION 54-337 (a) FOR REMOVAL OF 4 GRAND TREES.

PLEASE SEE ATTACHED SITE PLAN AND ARBORIST REPORT FOR ADDITIONAL DETAILS OF VARIANCE REQUEST.

Variances Test: The Board of Zoning Appeals – Site Design 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 where it is found that the public interest is not served by strict adherence to the requirements of the ordinance and where it is found that the variance will not result in a change in the character of the district. A variance may be granted upon a showing that it will make possible an exceptional condition (in a type of situation not made illegal by the Zoning Ordinance). A variance may be granted upon a showing that it will make possible the full use of land with a reasonably safe building, that it will result in a public benefit, and that it will be in harmony with the general plan for the area. A variance may not be granted for any reason that will cause a change in the character of the district. A variance may be granted to accommodate a change in the character of the district.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other matters of the proposed building, structure, or use as will promote the public health, safety, or general welfare. (SC Code of Laws Section 6-29-1145)

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. 54-327, Sec. 54-511(b), or Sec. 54-513 (add as an attachment if necessary).

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended or renewed 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) 724-5521 FAX (843) 724-3772 www.charleston-sc.gov
GROUND FOR VARIANCE
TMS Parcel No.: 459-01-03-045
Location: 584 Meeting Street
Owner/Applicant: Meeting Street Acquisitions, LLC

Overview of Application

The Applicant, Meeting Street Acquisitions, LLC, is the owner of 584 Meeting Street on the Peninsula. The property is comprised of approximately 1.62 acres. The site is currently zoned GB and "designated" MU2 Opportunity Zone, and as of May 25th, has passed its First Reading by City Council as MU2-WF. The Applicant has had numerous meetings and conference calls with the City’s planning staff on various site configurations to accommodate the proposed building.

To conform to well-established and mandated architectural and design protocols as promulgated by BAR and City Planning, the front of the buildings needs to be facing Meeting Street, with the interior garage parking behind the buildings that is not visible from the street, entering/exiting off Nassau St., and attractive, commercially activated storefronts on Meeting, Stuart, and Nassau Streets.

See site plan provided along with application.

The building design and layout requires a variance from Section 54-327:

1. A variance from Sec. 54-327(a) (removal of grand trees)
2. A variance from Sec. 54-327(b)(c) (removal of protected trees and protection of 15 trees/acre requirement)

Grounds for Requested Variances

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

This property is zoned GB, currently "designated" MU2 Opportunity Zone, and as of May 25th, 2021, has passed its First Reading by City Council as MU2-WF. This area of the City now "Urban Core" has had many properties zoned LI (Light Industrial), some of which remain, with some now zoned MU and UP as well. The site also has street frontage on three roads and this abnormal for parcels in the area. The Applicant intended to construct housing and commercial units on the property which fully conforms to the City’s Master Plan for this area.

As noted; this specific area of the Peninsula was historically Light Industrial, with the subject property formerly home to a series of large automobile dealerships. As an extraordinary condition that has resulted from the former use and occupancy, soils on the site have been contaminated with lead and the entire parcel is now subject to a VCC (Voluntary Cleanup) in place with SC DHEC and an agreed upon work plan to remediate the soils. (additional information in Item 3).

As opposed to other properties, the trees on this particular urban condition are "Volunteer Trees" that never were part of any historical landscaping plan, but instead, grew randomly over time which impact the plan to develop the site appropriately and efficiently.

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

As described in No. 1, this site has frontage on Meeting Street, Stuart Street and Nassau Streets and most properties in the area do not have street frontage on 3 sides. Most of the trees requested to be removed are volunteer trees around the perimeter street frontage area. As part of the project the applicant will be adding street trees along the road frontages and this will be a professional designed and “planned” landscape layout that will allow the trees to mature and further enhance the street frontages in this area of downtown. Additionally, surrounding properties are not subject to the rigorous environmental VCC conditions in place by SCDHEC which require removal of any contaminated soils within the entire site to the property lines.

*Executed DHEC VCC and Contaminated Site Work Plan attached separately.
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 a design plan that would be required for architectural best practice by BAR.

As a practical manner, the implementation of the highly important SCDHEC VCC remediation plan to excavate remove soil lead contamination within the entire metes and bounds of the parcel will have an impact on the historically unplanned “volunteer trees” (most in poor condition) on the site.

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 a building to be properly designed on this Urban Core site that will exhibit good architectural principles as required, on a former “industrial type” site that conforms to a well-established development paradigm for this corridor of the Peninsula.

Moreover, the Applicant’s conformity to the SCHEC VCC by removing the lead contamination in the soils (and transporting them compliantly offsite) provides substantial and superseding public good and benefit to the District.

The neighborhood will be improved with the proposed mixed use development and the street frontages will be professional landscaped, street lights will be added and this project will activate and enhance not only Meeting Street, but Stuart and Nassau Streets.
VIA REGULAR AND ELECTRONIC MAIL

Stanley Bernashteyn  
Meeting Street Acquisitions, LLC  
1363 Shermer Road, Suite 100  
Northbrook, Illinois 60062

Re: Inurement of Voluntary Cleanup Contract Rights and Obligations  
VCC 21-7581-NRP  
East Side Baptist Church  
Charleston County

Dear Mr. Bernashteyn:

The Department has received a Voluntary Cleanup Contract Application (VCC Application) from Meeting Street Acquisitions, LLC (MSA) dated March 19, 2021 regarding the property addressed by VCC 21-7581-NRP. The Department understands that MSA is requesting a letter of acknowledgement that the protections offered by VCC 21-7581-NRP will inure to MSA upon their acquisition of the property identified in the VCC Application (Property).

As provided by VCC 21-7581-NRP and the Brownfields/Voluntary Cleanup Program, S.C. Code Ann. § 44-56-710, et seq., as amended, “A voluntary cleanup contract executed on behalf of a nonresponsible party inures to the benefit of the nonresponsible party’s lenders, signatories, parents, subsidiaries, and successors”. Therefore, based on the information and certifications provided in the referenced VCC application, upon acquisition of the Property, MSA will acquire both the benefits and obligations of VCC 21-7581-NRP.

I look forward to working with MSA in completing the requirements of VCC 21-7581-NRP under the South Carolina Voluntary Cleanup Program. Should you have any questions or concerns, please do not hesitate to contact me at gormanak@dhec.sc.gov or (803) 898-0929.

Sincerely,

Angela Gorman  
Project Manager  
Brownfields/Voluntary Cleanup Program  
Site Assessment, Remediation, and Revitalization  
Bureau of Land and Waste Management

cc: Jack Smith, Esquire, Nelson Mullins (via electronic mail)  
Wendy Boswell, Area Director, BEHS Charleston (via electronic mail)  
BLYM File 59353

BASELINE INVESTIGATION WORK PLAN

Eastside Baptist Church  
584 Meeting Street  
Charleston, South Carolina  
Charleston County TMS No. 459-01-03-045

Presented to:  
South Carolina Department of Health and Environmental Control  
2600 Bull Street  
Columbia, South Carolina 29201

On Behalf of:  
Meeting Street Acquisitions, LLC  
1363 Shermer Road, Suite 100  
Northbrook, Illinois 60062

File No. 02201660.01 | May 3, 2021  
SCS ENGINEERS  
1400 Pierside Street Building 190, Suite A  
North Charleston, South Carolina 29405  
(843) 746-8555  
www.scs.utc.gov
ITEM B 3
584 Meeting St
(East Central)
TMS# 459-01-03-045
ZONED GB
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