City of Charleston

BOARD OF ZONING APPEALS-ZONING

Your Board of Zoning Appeals-Zoning Members are:

John Bennett
Bill Goodwin, Jr.
Allison Cannon Grass

Howell Morrison
Robben Richards
Jeffrey Tibbals

Your City of Charleston Staff are:

Lee Batchelder, Zoning Administrator
Scott Valentine, TRC Coordinator

Pennye Ashby, Senior Planner

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

This meeting is being recorded.
Meeting Protocol

Order on Each Application:

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

The Board of Zoning Appeals—Zoning has the authority to do three things:

1. Hear appeals to decisions of the Zoning Administrator;
2. Grant special exceptions, a fact finding function of the Board; and
3. Grant variances to the Zoning Ordinance if the application meets the hardship test outlined in Section 54-924 of the ordinance.
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 17, 2022 BZA-Z Minutes

https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/_05172022-7461
Request variance from Sec. 54-301 to allow construction of a 1-story covered patio addition with a 48% lot occupancy (35% limitation; existing lot occupancy 44%).
Zoned SR-5
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: May 17, 2022

Property Address
71 King St, Charleston, SC 29401

TMS #: 4571601010

Property Owner
Gemini Nicholas

Daytime Phone: 846-590-4610

Applicant
Julie Keyes, Fortress Architecture Studio

Daytime Phone: 864-425-0378

Applicant’s Mailing Address
3596 Barby Road, Johns Island SC 29455

E-mail Address: julie@fortressarchitecture.com

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

Zoning of property: SR-5

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

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

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

Applicant: Julie Keyes

Date: 4/18/22

BZA-2 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 the attached letter.

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

In granting a variance, the Board may, attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-809)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 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.
Variance Test

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

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

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

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

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

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

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

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

PHOTO OF EXISTING RAISED PATIO (SLAB TEMPORARILY REMOVED FOR SOIL REMEDIATION)
Hi Penny,

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

Thanks,
Julie

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

I have now spoken to the folks at 97 Tradd and at 69 King and both parties are very supportive of our new covered patio.
Agenda Item #A-3

CENTRAL PARK
TMS # 340-03-00-007

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

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

to the Board of Zoning Appeals – Zoning (BZA-Z)

City of Charleston

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

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

MEETING DATE REQUESTED: May 17, 2022

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

Property Owner: Central Park Road, LLC

Applicant: Liesmann & Associates, LLC

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

E-Mail Address: 919@law firms.com; nnrs@law firms.com

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

Zoning of property: SR-1 (Cluster)

Information required with application: (check information submitted)
☐ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or NO - 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 helpful information:
☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

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

Applicant: ____________________________ Date: April 18, 2022

For 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 Attachment

Variances: For Variance requests, the Board of Zoning Appeals must 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):

Optional but helpful information:
☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your 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 after the Board and a period of 6 (6) months has elapsed.

Department of Planning, Preservation & Sustainability 2 George Street, Charleston, South Carolina 29401
(843) 724-9811 www.charlestonsc.gov/zoning

5/19
SUMMARY OF REQUEST FOR VARIANCE – CENTRAL PARK CLUSTER DEVELOPMENT

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

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

Relevant Provisions of the City's Ordinances

There are two (2) relevant provisions of the City's Ordinances for purposes of this variance request, which were modified/adopted in December 2021. The first is the definition of "story." Story. That portion of a building included between the surface of any floor and the surface of the next floor above, or if there be no floor above it, then the space between such and the ceiling next above it. Except as provided in Sec. 54-305-e., a crawl space that exceeds six (6) feet in height from the floor to the bottom of the horizontal floor structure above shall count as a story.

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

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

e. Properties in the Conservation, RR-1, SR-1, SR-2, SR-6, SR-7, and STF zoning districts located within a Flood Insurance Rate Map (FIRM) special flood hazard area where the elevation of the crawl space floor is not more than one and one-half (1½) feet above the FIRM Base Flood Elevation prescribed by the FIRM, as defined in Sec. 77-103 of the Code of the City of Charleston, shall be permitted to have a crawl space exceeding six (6) feet in height that does not count as a story, provided that the building height limitation in feet for the zoning district is not exceeded.

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

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

Elevation is a Key Component of Resilience

Throughout our City, both existing houses (including protected historic structures) and newly constructed homes are incorporating the benefit of elevated crawl spaces. This is recognized to be an extremely important tool to increase resiliency. As was noted in the Final Report of the Dutch Dialogues, "Elevation is salvation from inundation. Elevation is critical in low-lying place, and awareness of place translates to informed action." See Final Report of the Dutch Dialogues™ Charleston, at p. 38.

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

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

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

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

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

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

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

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

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

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

The benefit of promoting resilience in the design and building of new construction is recognized. Being allowed to deploy such techniques within areas that have been designated by FEMA and the City as areas of elevated concern makes good common sense. By allowing for the consistent, rather than occasional use of elevated crawl spaces, the resilience of the entire development (and surrounding areas) is promoted. For these reasons, the authorization of a variance will not be of substantial detriment to adjacent property or to the public good.
EXHIBIT A
Approved Preliminary Plat
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) ARTICLE 2-GENERAL PROVISIONS, PART 3-DEFINITIONS, SECTION 54-120-DEFINITIONS AND ARTICLE 5-EXCEPTIONS AND MODIFICATIONS, PART 2-EXCEPTIONS TO HEIGHT AND SETBACK REQUIREMENTS, SECTION 54-505-EXCEPTIONS TO HEIGHT REQUIREMENTS

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

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

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

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

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

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

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

Sec. 54-505. Exceptions to height requirements.

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

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

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

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

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

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

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

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

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

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

Ratified in City Council this 23rd day of December the Year of Our Lord, 2021 in the 323rd Year of Independence of the United States of America.

By

[Signature]
Mayor, City of Charleston

ATTEST: [Signature]
Clerk of Council
EXHIBIT C

Photograph of Sample Home with Elevated Crawl Space
EXHIBIT D
Sample Elevations for Different Home Models
CENTRAL PARK DRIVE-UNDERS
EXHIBIT E
Excerpts from Dutch Dialogues
A Layered Approach

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

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

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

Know where you are. The Ashley and Cooper are tidal rivers. Shorelines shift across a low landscape, and piers and habitat move with them, if allowed. Healthy ecology supports a healthy economy and can provide protective benefits. Sustainable infrastructure aligns with ecological function. Water in the region must be understood as a holistic system, man-made and natural in tandem.

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

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

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

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

- A robust intertidal and coastal marsh zone, buffering land and sea, with coastal marsh restoration, increased oyster banks and similar “building with nature” components.
- Pockets of resilient, elevated communities, able to adapt to storm, surge and sea level rise outside of the primary coastal defense system.
- A coastal defense alignment, behind which all infrastructure and buildings will be protected against the impacts of storm in surge at the defined risk reduction level. This line would consist of coastal dunes, dikes, berms, sea-dikes, levees and, where necessary (due to spatial constraints), floodwalls. Note: the Dutch have begun using more multifunctional flood protection structures in which primary flood protection and other economics, environmental, mobility or social benefits are combined.
- Gates / Barriers integrated into the coastal defense line to limit storm surge impacts that would occur via open water channels. To lessen ecosystem impacts and ensure normal riverine and tidal exchange and shipping access, movable gates would be required. These are complex structures and can be vertical lift gates or navigable barriers or a combination thereof.
more) and bridges—will be low-to-medium and no large-scale removal of existing soils and trees. Maintaining the existing coastal forest is essential: the average forest canopy should be maintained at 50% or more of land cover in this zone.

The ecological zone carries substantial flood risk and can expect to get wet in a 100-year storm which, oddly, means a 1% chance of flooding in any year but also a 20% chance that a home with a 30-year mortgage will flood once over the mortgage term. Those living in this zone should be fully aware of the risk they assume by living there.

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

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

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

Elevation Zones
Four different zones are described relative to development strategies.

Now Development
Our proposed blue-green network might be supplemented with new or repurposed developments (red areas in opposite drawing) within the floodplain. This development pattern establishes a vision and direction for the region and can be achieved over the next decade or two. We suggest starting on this vision as soon as possible, through a process that includes new developments in the pipeline and those already on the drawing board.

Sea level rise will extend the floodplain inland. Some development here—can all too often be near the water—is acceptable if properly elevated. An old Cajun saying is relevant: Elevation is Salvation from inundation. But this development will have to adapt to the water system, not the other way around. A new type of water-centric development could be a cultural and economic asset for Charleston. Connectivity for cars, bikes and pedestrians—via possible new linear parks—could reinforce this living with water vision.
EXHIBIT E
Statement of Hassan Ismail, Ph.D
Hassan Ismaili, Ph.D., P.E.,
Water Resources Project Manager
Seamon Whitcomb
508 Elliott Street
Greenville SC 29601
(864) 298-6334 ext. 546
hsimali@seamonwhitcomb.com

April 13, 2022

To Whom It May Concern:

I am writing to provide my professional opinion regarding the Central Park Cluster Development located in the City of Charleston, South Carolina (TMS #120-03-0007). There is valid engineering support for the requested variance to elevate all proposed homes to drive under type structures for the purpose of flood resilience.

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

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

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

The effective Flood Insurance Rate Map (FIRM) was effective as of January 29, 2021. With the exception of a small portion of the Central Park Road its location outside of the Federal Emergency Management Agency’s Special Flood Hazard Area (SFHA) Zone AE with a base flood elevation (BFE) of 10 feet above mean sea level. Ground elevations on the proposed site range from 3 to 12 feet. The City of Charleston Code of Ordinances stipulates that new residential construction must not be elevated below 7 feet above their respective base flood elevations.

In an effort to increase resiliency, the City has several programs aimed at protecting against flood-induced damages. Notably, the City’s 2019 Flood and Sea Level Rise Strategy final report outlines those efforts. For example, the Dutch Dialogues program involved coordination with the Kingdom of the Netherlands who has historically and famously shown resiliency in the face of land subsidence, sea level rise, and flooding. In the first pages of the September 2019 Dutch Dialogues Charleston report, the authors stressed the criticality of elevation in coastal developments. With each additional rise in a structure’s floor elevation comes added security from flood inundation and less susceptibility to risks stemming from uncertainties in the models, methods, and analyses used to generate risk maps. In their discussion of regional flood resilient systems, the authors include “Pockets of resilient, elevated communities, able to adapt to storm surge and sea level rise outside of the traditional floodplain as a key element for large-scale resilience. In the same Dutch Dialogues report, the site location is defined as being in the “Transition Zone” with approximate land elevations of 10 to 15 feet. The report again specifies that clustered, elevated homes are favorable development methods, and suggest only limited slab on grade development.

As an additional benefit to elevating buildings (even if not strictly required), relates to the National Flood Insurance Program (NFIP) in which the City of Charleston is a participant. Each community is given a rating which directly translates to discounts or premiums for policyholders under the NFIP. That is, communities with higher rating enjoy larger reduction in flood insurance premiums. This incentive method from the NFIP encourages communities to take actions to increase resiliency through public information, regulations, damage reduction, and warning systems. The City has already taken advantage of several measures including documenting existing hazards and conducting a city-wide risk assessment. Continued commitment to resilience measures will keep the City in good standing with the NFIP and potentially increase the City’s rating in the future.

It is important to take additional risk mitigation actions today, as those opportunities present themselves. Voluntary elevation of new structures above the BFE or flood protection elevation represents an opportunity to enjoy benefits from proactive measures to reduce risk in the face of unknown future conditions. It is not possible to discuss resiliency without disposition of the combined effects of rising sea level, increased rainfall intensities, and potential for more frequent high-intensity storm events. FEMA flood maps, for example, only consider present-day conditions. Although they are heavily relied upon for understanding where vulnerabilities may be, they can be poor predictors of likelihood of inundation and damage in future conditions. The National Oceanic and Atmospheric Administration (NOAA) predicts sea level in Charleston could rise as much as 20 inches through the year 2050. The obvious effect is that locations with, for example, BFE of 10 feet will likely have higher BFE along with new areas of inundation. If a building is voluntarily elevated above the regulatory flood protection elevation, it is more likely that it will remain protected as BFE values increase and could possibly avoid costly future retrofits and rebuils. Risks in sea level translate hydrologically to increases in downstream water surface elevation for rivers, streams, and marshes. Higher downstream water level results in slower flows in drainage networks exacerbating existing and new areas of inundation. Preparations for sea level rise include measures such as elevating buildings as suggested in the Flood and Sea Level Rise Strategy and Dutch Dialogues reports.

Beyond changes in sea level, NOAA is in the process of updating its published rainfall intensity data. These data are published in NOAA’s Atlas 14 which is the standard for use in stormwater and drainage designs. ATLAS 14 is currently undergoing revision, and South Carolina was recently added to the list of States which will be next in line to undergo revision. The newer rainfall data will show higher rainfall intensities (e.g., more inches of rainfall for the 10-year storm) resulting in more stringent standards for engineering designs. That is, if the current published 10-year rainfall intensity is only 6 inches, and the revised ATLAS 14 with increased rainfall intensity is 8 inches, the additional rainfall and runoff must be accounted for by engineers. The result could be that some designs may meet today’s standards but may not meet standards when ATLAS 14 is updated. Again, this emphasizes the need to accept voluntary risk reduction measures now which could reduce vulnerability in the future.
Preparing for future conditions is a hallmark of resilient design and policies. Additional protective measures taken today can result in a more well-prepared community as changes in storm patterns and higher sea levels become the norm. Elevating all buildings in the development could provide this protection and reaffirm the City’s commitment to resilience.

Sincerely,

[Hassan Ismail’s signature]

Hassan Ismail, Ph.D., P.E.
AGENDA ITEM B.7

CENTRAL PARK ROAD

VARIANCE REQUEST FROM SEC. 54-505
TO ALLOW FOR ADDITIONAL ELEVATION OF HOMES
WITHOUT EXCEEDING HEIGHT LIMIT
Section 1. That Article 2-General Provisions; Part 3-Definitions; Section 54-120-Definitions; "Story" be amended as follows:

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

SECTION 54-505(E)

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

MONROE

MONTAGUE

EMORY

(NO INCREASE IN TOTAL ALLOWED HEIGHT IS BEING REQUESTED)
ACTUAL EXAMPLE OF ELEVATED HOME – AVENUE OF OAKS
ACTUAL EXAMPLE OF ELEVATED HOME – RIVERLAND DRIVE
VARIANCES ARE NEEDED DUE TO NOMINAL DIFFERENCES IN LOT ELEVATIONS

- Eight (8) Lots do not need a variance
  (Finished Grade 11.5 feet or less)

- Thirty (30) Lots do need a variance
  (Finished grade between 11.8 and 12.3 feet)
LOTS NEEDING VARIANCES ARE ONLY 0.3 FEET TO 0.8 FEET ABOVE EXCEPTION HEIGHT OF 11.5 FEET.
January 2021 change in FEMA mapping is why variance is needed.

12’ Elevation on Prior FIRM Map

10’ Elevation on Revised FIRM Map
BENEFITS OF ELEVATED HOMES

- More Resilient to Flooding (Houses and Personal Property)
- Reduces Impervious Surface
- Eliminates Need for Separate Garages
- Reduces On Street Parking
- Implements Dutch Dialogues: “clustered, elevated homes” are preferred in “transition zones”
A repeated finding was that elevated construction should be facilitated and encouraged by the City.
A Layered Approach

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

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

Elevation is salvation from inundation. Elevation is critical in low-lying place, and awareness of place translates to informed action. Charleston has areas of stable, relatively high ground, a critical asset in high water.
low floor elevations must be raised to a minimum elevation of 3.9 feet above Mean Sea Level (MSL). This 3.9 feet above MSL will be used as the flood protection base flood elevation (BFE) for the development.

In the next phase of the project, a comprehensive engineering study will be conducted to determine the best way to elevate the building. This study will take into account the cost of elevation, the existing infrastructure, and the environmental impact of any proposed changes. The goal is to develop a solution that is both practical and cost-effective, while also minimizing the impact on the existing community.

Sincerely,

Hassan Ismail, Ph.D., P.E.
May 11, 2022

Members of the Board of Zoning Appeals
2 George Street
Charleston, SC 29401

Re: Support for Variance Request for Central Park Road Cluster Development

Dear Ladies and Gentlemen:

My name is Reverend Charles Seabrook. I live at 1804 Central Park Road, which is right next to the Central Park Cluster Development. I am a retired pastor who has lived on this property for 80 years.

I support the variance being requested. This request would allow the homes to have a little bit of increased open space under the first floor. In Charleston, this is a good idea and should be encouraged. It makes you less vulnerable to damage when there is a flood. Also, you can park your car under the house. This is also a good thing because it reduces the number of cars parked on the street and it means you don’t have to have a separate garage structure.

All of my interactions with the owner of the property and Mr. Joshua Craig have been positive. They build attractive homes. I know that this project is going to have drainage improvements that are going to be helpful to the area as soon as it is completed.

This property is right next door to me. It affects me and my family as much or maybe more than it does anybody else. Allowing the owner’s request would be beneficial and would not cause me or the area to suffer any harm.

Peace and Blessings,

Reverend Charles Seabrook
City of Charleston Board of Zoning Appeals  
2 George Street  
Charleston, SC 29401  

Re: Support for Agenda item 8B-7, Central Park, on the May 17, 2022, BZA agenda  

Dear Members of the Board of Zoning Appeals:  

As a resident who lives in the area of the Central Park Cluster Development, I want to express my support for the variance request to allow the houses to have additional open space/height underneath the first floor.  

This request has several advantages. It eliminates the need for separate garages, which reduces the amount of the lot that is covered and allows people to park under their house rather than on the street. It is also more resistant to flood damage, which is significant since the area is a flood zone.  

I am a neighbor to this project and live closest to where the houses will be built. I have seen many houses around Charleston that have this type of design and find them to be appealing. They are appropriate for this location and will not cause harm to me or the area where I live.  

Sincerely,  

[Signature]  

Printed Name: [Name of Resident]  

Address: 816 Central Park Road  

Date: 5/16/22
DEED RESTRICTION RESOLVES CONCERN ABOUT "ADUs" (BUT ADUs ARE LIKELY IF VARIANCE DENIED)

Dear BZAZ Board Members,

I would like to oppose the variance request proposed by the Central Park Cluster developer. I am opposed to allowing 8' tall "crawl spaces" which can later be converted to Accessory Dwelling Units. There should be no mechanism in place that would allow further density with more cars. If the development is "designed" using these spaces as parking garages for the homes, where do all the cars park when these spaces are converted to Accessory Dwelling Units???

The developer knew all the problems associated with building on this property and chose to move forward. The surrounding neighborhoods have been opposed to the density of this project from the outset. The possible conversion of garages to Accessory Dwelling Units seems to be a convenient way to increase density and undermine the rules for SR-1 zoning density. We oppose this variance request because it would provide an avenue for an even higher density - Cluster Zoning already allows for high density relative to the amount of land on which the homes are located. For future reference: We are also definitely opposed to any variance that would allow structures to be taller than allowed for through SR-1 Zoning.

Thank you.

Harriet C Reavis, DMD
President, Marlborough Neighborhood Association
500 W Wimbeldon Drive
Charleston, SC 29412
843.795.8661
843.509.3628
hcreavis8@gmail.com
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 #B-1

1-11 ASHLEY BOULEVARD
(CHARLESTOWNE)
TMS # 457-11-01-039

Request the third one-year extension of a vested right that expires on June 5, 2022, pursuant to Sec. 54-962. Vested right is an approved variance under Sec. 54-353 for attached dwelling units (duplexes) in a STR (Single-Two Family Residential) zone district.
Application for Variance: Special Exception, Reclassification or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)

City of Charleston

Instructions – Submit this application, along with the required information and fee, to the 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: JUNE 7, 2022
Property Address: 11-ASHLER BLVD
Property Owner: BARNES MOLTRY WARD, LLC
Applicant: NELL STEVENSON ARCHITECTS (TARA ROMANO)
Applicant’s Mailing Address: 380 KING ST. SUITE B. CHARLESTON SC 29403

E-mail Address: TARA@HELLEVENSONARCHITECTS.COM

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

Zoning of property: STR

Information required with application: (check information submitted)

☐ Scaled plans or plots, including elevations, showing the variance(s) or special exceptions being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or NO - Is this property restricted by any recorded covenant that a conveyee to, conflicts with or prohibits the proposed (and 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 public hearing and inspected.

Applicant: ____________________________
Date: 04/29/2022

For General Information: 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.

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 5-4, 5-4-206, or sections in Article 5 (add as an attachment if necessary).

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

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401
(843) 724-3781 FAX (843) 724-3772 www.charlestongov.com

SIGNATURE OF ZONING OFFICIAL:

6/15
PROPERTY LOCATION, TMS NUMBER(S) AND DESCRIPTION OF REQUEST(S):
1 ASHLEY BLVD. ( CHARLESTOWN) (457-11-01-039)
Request variance from Sec. 54-353 to allow construction of attached dwelling units (duplexes) with a 9-ft. rear setback (overhang) (16-ft. required).
Request variance from Sec. 54-353 to allow construction of an attached dwelling unit with a 6-ft. 3-inch (building) side street setback (South Battery) and a 2-ft. 1-inch (balcony overhang) side street setback (South Battery) (10-ft. required).
Request variance from Sec. 54-353 to allow construction of an attached dwelling unit with a 8-inch (balcony overhang) side street setback (Tradd Street) (10-ft. required).
Zoned STR.

Order on Special Exception Request:

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

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

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

Date Issued: 6/11/98 Chairman

Approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Section 54-962. Applications may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

1/84
PROPERTY LOCATION, TMS NUMBER(S) AND DESCRIPTION OF REQUEST(S):

1. ASHLEY BLVD. (CHARLESTOWNNE) (457-11-0-019)

ORDER ON SPECIAL EXCEPTION REQUEST

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

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

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

Date Issued: Chairman

ORDER ON VARIANCE REQUEST

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

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

APPROVED: The Board concludes that:
1. The proposed variance is reasonable and necessary for the particular piece of property.
2. The variance does not generally apply to other property in the vicinity.
3. Because of these conditions, the application of the variance to the particular piece of property would effectively preserve or substantially retain the utilization of the property, and
4. Authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

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

APPROVAL OF FIRST ONE-YEAR EXTENSION TO EXPIRE ON

Date Issued: Chairman

APPROVAL OF SECOND ONE-YEAR EXTENSION TO EXPIRE ON

Date Issued: Chairman

APPROVAL OF THIRD ONE-YEAR EXTENSION TO EXPIRE ON

Date Issued: Chairman

APPROVAL OF FOURTH ONE-YEAR EXTENSION TO EXPIRE ON

Date Issued: Chairman

APPROVAL OF FIFTH ONE-YEAR EXTENSION TO EXPIRE ON

Date Issued: Chairman

APPROVAL OF SIXTH ONE-YEAR EXTENSION TO EXPIRE ON

Date Issued: Chairman

APPROVAL OF SEVENTH ONE-YEAR EXTENSION TO EXPIRE ON

Date Issued: Chairman

APPROVAL OF EIGHTH ONE-YEAR EXTENSION TO EXPIRE ON

Date Issued: Chairman
Request the third one-year extension of a vested right that expires on July 17, 2022, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on July 17, 2018 with conditions for a 250-unit accommodations use in a MU-2/WH (Mixed Use 2 Workforce Housing) zone district.
Application for Variance, Special Exception, Reconsideration, or Extension

Instructions - This application, along with the required information and fee, must be submitted to the Board of Zoning Appeals - Zoning, 2 George Street, by 12 Noon on the deadline date and must be complete to be accepted and placed on the agenda. Any late applications will not be heard by the Board of Zoning Appeals - Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

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

MEETING DATE REQUESTED: June 7, 2022

Property Address: 141 Huguenot Avenue
TMS # 146000021

Property Owner: South Park Ventures, LLC
Daytime Phone: 843-722-8169

Applicant: Womble Bond Dickinson (US) LLP
James Wilson
Daytime Phone: 843-720-4640

Applicant’s Mailing Address: 3 Exchange Street, Charleston, SC 29401

E-mail Address: james.wilson@wbdus.com

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

Zoning of property: MIL-Z/0/A, Accommodations Overlay

Information required with application: (check information submitted):
☐ Scaled plans or plots, including elevations, showing the variances or special exceptions 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)
☐ Permits or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check credit card or cash [make checks payable to the City of Charleston]
☐ YES ☐ NO - Is this Property requested 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: ________________________________ Date: 5/9/22

For office use only
Date application received: ________________ Time application received: ________________ Staff Initial: ________________ Fee $ ________________ Receipt #: ________________

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (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 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 §6-29-600)

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 § 541110, § 541206, or sections in Article 5 (as a separate attachment if necessary).

See Attached Exhibits

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 S 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. (843) 724-3781 www.charlestonsc.gov/zoning

5/19
EXHIBIT A

Application for Extension of Special Exception

Pursuant to Section 54-962 of the Ordinances of the City of Charleston, the Owner hereby requests a one-year extension of the previously approved Special Exception for a 250 room hotel project to be constructed at 19 Hagood Avenue. A copy of the Minutes from the previously approved Special Exception granted by the BZA on July 17, 2018, along with copies of the previously approved first and second one-year extensions granted by the BZA on June 2, 2020 and July 20, 2021, are attached hereto and incorporated herein by reference. This is the third one-year extension being requested.

The initial two-year vested right term for the Special Exception for 19 Hagood Avenue commenced on July 17, 2018 and extends through July 17, 2020. The first one-year extension granted by the BZA commenced on July 18, 2020 and extends through July 17, 2021. The second one-year extension granted by the BZA commenced on July 18, 2021 and extends through July 17, 2022. This third one-year extension period should commence on July 18, 2022 and extend through July 17, 2023.
PROPERTY LOCATION, NUMBER(S), AND DESCRIPTION OF REQUEST:
19 HAGOOD AVE, WESTSIDE (480.0060.019)
Request the second two-year extension of a vested right that expires on July 17, 2023, pursuant to Sec. 54-962.2. Vested right pursuant to a special exception granted under Sec. 54-220 on July 17, 2015 for 280 unit accommodations with condition for a 280-unit accommodations use in a R2A-AM (Mixed Use 2 Workforce Housing) zone district.

ORDER ON Variances Request
The Board of Zoning Appeals/Zoning held a public hearing to consider an appeal for a variance from the Zoning Ordinance for the property described above. After consideration of all evidence and arguments presented, the Board makes the following findings of fact and conclusions:

1. DENIED: The Board concludes that the standards in the Section of the Zoning Ordinance cited above, which are applicable to the requested special exceptions, have been met and therefore ordains that the special exception be denied.

2. APPROVED: The Board concludes that the variance is necessary and consistent with the Zoning Ordinance and that the variance subject to the following conditions as set forth below:

   a) First one-year extension with conditions to be expired

   b) Conditions:

   Date Issued: 02/01/2023

Order on Variance Request
The Board of Zoning Appeals/Zoning held a public hearing to consider an appeal for a variance from the Zoning Ordinance for the property described above. After consideration of all evidence and arguments presented, the Board makes the following findings of fact and conclusions:

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

2. APPROVED: The Board concludes that the conditions for granting a variance have been met and, therefore, ordains that the variance be granted subject to the following conditions:

   a) First one-year extension with conditions as set forth below:

   b) Conditions:

   Date Issued: 02/01/2023

PROPOSAL: The Board, therefore, finds that the applicant has an unnecessary hardship and ordains that the variance be granted subject to the following conditions:

   a) First one-year extension with conditions as set forth below:

   b) Conditions:

   Date Issued: 02/01/2023

Order on Variance Request
The Board of Zoning Appeals/Zoning held a public hearing to consider an appeal for a variance from the Zoning Ordinance for the property described above. After consideration of all evidence and arguments presented, the Board makes the following findings of fact and conclusions:

1. DENIED: The Board concludes that the variance has not been met and, therefore, ordains that the variance be denied.

2. APPROVED: The Board concludes that the variance has been met and, therefore, ordains that the variance be granted subject to the following conditions:

   a) First one-year extension with conditions as set forth below:

   b) Conditions:

   Date Issued: 02/01/2023

Order on Variance Request
The Board of Zoning Appeals/Zoning held a public hearing to consider an appeal for a variance from the Zoning Ordinance for the property described above. After consideration of all evidence and arguments presented, the Board makes the following findings of fact and conclusions:

1. DENIED: The Board concludes that the variance has not been met and, therefore, ordains that the variance be denied.

2. APPROVED: The Board concludes that the variance has been met and, therefore, ordains that the variance be granted subject to the following conditions:

   a) First one-year extension with conditions as set forth below:

   b) Conditions:

   Date Issued: 02/01/2023

Order on Variance Request
The Board of Zoning Appeals/Zoning held a public hearing to consider an appeal for a variance from the Zoning Ordinance for the property described above. After consideration of all evidence and arguments presented, the Board makes the following findings of fact and conclusions:

1. DENIED: The Board concludes that the variance has not been met and, therefore, ordains that the variance be denied.

2. APPROVED: The Board concludes that the variance has been met and, therefore, ordains that the variance be granted subject to the following conditions:

   a) First one-year extension with conditions as set forth below:

   b) Conditions:

   Date Issued: 02/01/2023

Order on Variance Request
The Board of Zoning Appeals/Zoning held a public hearing to consider an appeal for a variance from the Zoning Ordinance for the property described above. After consideration of all evidence and arguments presented, the Board makes the following findings of fact and conclusions:

1. DENIED: The Board concludes that the variance has not been met and, therefore, ordains that the variance be denied.

2. APPROVED: The Board concludes that the variance has been met and, therefore, ordains that the variance be granted subject to the following conditions:

   a) First one-year extension with conditions as set forth below:

   b) Conditions:

   Date Issued: 02/01/2023
Request the fifth one-year extension of a vested right that expires on December 31, 2022, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on June 7, 2016 with conditions for a 300-unit accommodations use in a MU-2 (Mixed Use) zone district.
Application for Variance, Special Exception, Reclassification, or Extension

Page 1 of 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 will stay all further action on the application.

THE APPLICANT HEREBY REQUESTS:

☐ A Variance and/or Special Exception is indicated on page 2 of this application.

☐ Readministration of a decision of the Board as the action of a zoning official (attach Appeal Form).

☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: June 7, 2022

Property Address: 411 Meeting Street

TMS #: 459-09-03-114

Property Owner: Bennett Meeting Street, LLC

Daytime Phone: 843-722-8169

Applicant: Womble Bond Dickinson (US) LLP

James Wilson

Daytime Phone: 843-720-4649

Applicant’s Mailing Address: 5 Exchange Street, Charleston, SC 29401

E-mail Address: james.wilson@wbd.us.com

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

Zoning of property: ML-2, Accommodations Overby A-1

Information required with application: (check information submitted)

☐ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)

☐ For new construction or additions within a flood zone, show (HVAC) units and floor plan 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 check payable to the City of Charleston)

☐ W&G N.O. 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. Section 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: [Signature]

Date: 5/9/22

For office use only

Date application received:

Time application received:

[Signature]

Fee: $ [Receipt #]

Department of Planning, Preservation & Sustainability

2 George Street

Charleston, South Carolina 29401

(843) 724-5181 www.charlestonsc.gov/zoning

5/19

BZA-2 Application (continued)

Page 2 of 2

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

☐

☐

Variances 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 § 34-11(1), § 34-20(5), or sections in Article 5 (add as an attachment if necessary):

See Attached Exhibits

☐

☐

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 expired.
EXHIBIT A

to

Application for Extension of Special Exception

Pursuant to Section 54-962 of the Ordinances of the City of Charleston, the Owner hereby requests a one-year extension of the previously approved Special Exception for a 300 room full service conference hotel and residential unit project to be constructed at 411 Meeting Street. A copy of the Minutes from the previously approved Special Exception granted by the BZA on June 7, 2016, along with copies of the previously approved first, second, third and fourth one-year extensions granted by the BZA on May 1, 2018, March 19, 2019, June 2, 2020, and July 20, 2021, are attached hereto and incorporated herein by reference. This is the fifth one-year extension being requested.

Pursuant to Section 54-962, the Permit Extension Joint Resolutions of 2010 and 2013 (as defined in Section 54-961) had the effect of suspending the running of the period of a vested right until December 31, 2016. As a result, the two-year vested right term for the Special Exception for 411 Meeting Street commenced on January 1, 2017 and extended through December 31, 2018. The first one-year extension period granted by the BZA commenced on January 1, 2019 and extended through December 31, 2019. The second one-year extension granted by the BZA commenced on January 1, 2020 and extended through December 31, 2020. The third one-year extension granted by the BZA commenced on January 1, 2021 and extended through December 31, 2021. The fourth one-year extension granted by the BZA commenced on January 1, 2022 and extended through December 31, 2022. Based on the foregoing, the fifth one-year extension period should commence on January 1, 2023 and extend through December 31, 2023.
Property Location, Tax Number(s), and Description of Request(s):

411 Meeting Street (Cannonsborough/Villiersborough) (659-06-03-118)

Request: one-year extension of a vested right that expires on December 31, 2018, pursuant to Sec. 54-992. Vested right pertains to a special exception granted under Sec. 54-992 on June 7, 2016, with conditions for a 300-unit accommodations use in a MU-2 (Mixed Use) zone district.

Date: 5/11/18

Chairman

Order on Variance Request

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

- DENIED: The Board concludes that the standards in the Section of the Zoning Ordinance cited above, which are applicable to the requested special exception, have not been met and that the variance should be denied.

- APPROVED: The Board concludes that the standards in the Section of the Zoning Ordinance cited above, which are applicable to the requested special exception, have been met and that the variance should be granted.

Approval Date: December 31, 2019, 2016

Prepared by: Staff Attorney

Chairman

Board of Zoning Appeals/Zoning

City of Charleston

Chairman

Prepared by: Staff Attorney

City of Charleston
PROPERTY LOCATION, THE NUMBER(S), AND DESCRIPTION OF REQUEST(S):
411 MEETING ST., (CANNONSBOURGH)/ELSTONBOROUGH, (S5-09-03-14-16)

Request a third one-year extension of a vested right that expires on December 31, 2020, pursuant to Sec. 54-922. Vested right pertains to a special exception granted under Sec. 54-220 on June 7, 2015 with conditions for a 100-unit accommodations use in a MU-2 (Mixed Use) zoning district.

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

1. DENIED. The Board concludes that the standards in the Section 3 of the Zoning Ordinance have not been met and, therefore, denies the special exception.

Request for Third One-Year Extension with Conditions to Apply

Date Issued: ________________
Chairman: ________________

Order on Variance Request:
The Board of Zoning Appeals (Board) held a public hearing to consider an appeal for a variance from the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions:

1. DENIED. The Board concludes that the requirements for granting a variance have not been met and, therefore, denies the request for a variance.

REQUESTED TO BE CONSIDERED:

1. An additional one-year extension of the existing vested right.

Date Issued: ________________
Chairman: ________________

Approvals:

The Board of Zoning Appeals finds that the applicant has an adequate basis and concludes that the variance is hereby granted, subject to the following conditions:

1. The variance shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Section 54-922. Applicants may not apply for the same request that has been denied by the Board until a period of at least six (6) months has elapsed.
Request the fifth one-year extension of a vested right that expires on December 4, 2022, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on December 4, 2007 for a 150-unit accommodations use in a GB-A (General Business-Accommodations) zone district.
I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant [Signature] Date 5/9/22

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 § 5.4.110, § 5.4.206, or sections in Article 5 (add as an attachment if necessary):

See Attached Exhibits

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with 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 lapsed.

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

Application for Extension of Special Exception

Pursuant to Section 54-962 of the Ordinances of the City of Charleston, the Owner hereby requests a one-year extension of the previously approved Special Exception for a 150 room hotel project to be constructed at 317 Savannah Highway. A copy of the Minutes from the previously approved Special Exception granted by the BZA on December 4, 2007, along with copies of the previously approved first, second, third, and fourth one-year extensions granted by the BZA on November 6, 2018, June 18, 2019, June 2, 2020, and July 20, 2021 are attached hereto and incorporated herein by reference. This is the fifth one-year extension being requested.

Pursuant to Section 54-962, the Permit Extension Joint Resolutions of 2010 and 2013 (as defined in Section 54-963) had the effect of suspending the running of the period of a vested right from January 1, 2008 until December 31, 2016. As a result, the two-year vested right term for the Special Exception for 317 Savannah Highway commenced on December 4, 2007, was suspended from January 1, 2008 until December 31, 2016, re-commenced on January 1, 2017, and extended through December 4, 2018. The first one-year extension granted by the BZA commenced on December 5, 2018 and extended through December 4, 2019. The second one-year extension granted by the BZA commenced on December 5, 2019 and extends through December 4, 2020. The third one-year extension granted by the BZA commenced on December 5, 2020 and extends through December 4, 2021. The fourth one-year extension granted by the BZA commenced on December 5, 2021 and extends through December 4, 2022. Based on the foregoing, this fifth one-year extension period should commence on December 5, 2022 and extend through December 4, 2023.
PROPERTY LOCATION, TAX NUMBER(S) AND DESCRIPTION OF REQUESTED:
317 SAVANNAH HIGHWAY (TMS# 421-07-00-003)
Request special exception under Section 54-220 to allow a 150-room hotel in a GB-A (General Business-Accommodation) zone district.
Zoned GB-A.

Order on Special Exception Request:
The Board of Zoning Appeals (Zoning) held a public hearing to consider the above appeal for a special exception which may be permitted by the Board pursuant to the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

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

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

Date issued: [Date]
Chairman: [Name]

Order on Variance Request:
The Board of Zoning Appeals (Zoning) held a public hearing to consider an appeal for a variance from the strict application of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

\( \text{DENIED} \). The Board concludes that the requirements for granting a variance have not been met and, therefore, orders that the variance be denied.

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

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

Date issued: [Date]
Chairman: [Name]

Approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Section 54-462. Applicants may not apply for the same request that has been denied by the Board until a period of (3) months has elapsed.
DEVELOPMENT SUMMARY:

- PROPOSED USE: HOTEL, 150 ROOMS - 7 STORIES
- PAIRED USE: PARKING GARAGE - BELOW 3 STORIES
- ACREAGE: 0.85 AC
- ZONING: CB - ACCOMMODATION
- OLD CITY HEIGHT DISTRICT: 100/30
- NO SETBACK REQUIRED

PRELIMINARY SITE PLAN

317 SAVANNAH HIGHWAY
CITY OF CHARLESTON
CHARLESTON COUNTY, SOUTH CAROLINA
Board of Zoning Appeals - Zoning
Page 1 of 1
City of Savannah

PROPERTY LOCATION, THE NUMBERS, AND DESCRIPTION OF REQUESTED:

217 SAVANNAH HWY. (32-4-004-003)

Request a third one-year extension of a vacated right that expires on December 4, 2021, pursuant to CSO S4-562. Vacated right pertains to a special exception granted under Sec. 340-220 on December 4, 2017 for a 150-unit accommodations use in a GD-A (General Business Accommodations) zone district.

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

1. ORDERED, The Board concludes that the standards in the section of the Zoning Ordinance related to the granted use have been met and therefore the requested special exception is approved.

2. ORDERED, The request is granted for a third one-year extension to expire on October 3, 2021.

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

1. ORDERED, The Board concludes that the standards in the section of the Zoning Ordinance related to the granted use have been met and therefore the requested special exception is approved.

2. ORDERED, The request is granted for a third one-year extension to expire on October 3, 2021.
PROPERTY LOCATION, TWO NUMBERS AND DESCRIPTION OF REQUEST:
317 SAVANNAH HWY, (317-GF-00-000)
Request the fourth year extension of a vested right that expires on December 4, 2021, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-930 on December 4, 2015 for a 100-unit accommodations use in a B-2A (General Business) zone district.

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

DENIED. The Board concludes that the standards in the Zoning Ordinance cited above, which are applicable to this requested special exception, have not been met and therefore ordains that the special exception be denied.

APPROVED. The Board concludes that the standards in the Zoning Ordinance cited above, which are applicable to the requested special exception, have been met and therefore ordains that the special exception be granted subject to the following conditions.

Chairman: __________________________
Date: __________________________

Order on Variance Request
The Board of Zoning Appeals-Zoning held a public hearing to consider an appeal for a variance from the site application of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions:

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

APPROVED. The Board concludes that:
1. There are exceptional and extraordinary conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the zoning.
3. Because of these conditions, the application of the requirements to the particular piece of property would effectively deprive the owner of substantially all value.
4. Authorisation of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The Board, therefore, finds that the applicant has an unnecessary hardship and ordains that the variance be granted, subject to the following conditions, if any:

Chairman: __________________________
Date issued: __________________________

Approvals of the Board shall remain valid for two (2) years from the approved date, unless extended in accordance with the provisions of Section 54-962. Applicants may not apply for the same request that has been denied by the Board until a period of (X) months has lapsed.

Chairman: __________________________
Date issued: __________________________
Agenda Item #B-5

246 SPRING STREET
(WESTSIDE)
TMS # 460-12-02-005

Request the fifth one-year extension of a vested right that expires on December 31, 2022, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on December 18, 2012 for a 125-unit accommodations use in a MU-2/WH (Mixed-Use 2 workforce Housing) zone district.
For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

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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.

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 impaired 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. (S.C. 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 9 (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 lapsed.

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401 (843) 724-7983 www.charlestonsc.gov/zoning

5/9/22
EXHIBIT A

Application for Extension of Special Exception

Pursuant to Section 54-962 of the Ordinances of the City of Charleston, the Owner hereby requests a one-year extension of the previously approved Special Exception for a 125 room hotel project to be constructed at 246 Spring Street. A copy of the Minutes from the previously approved Special Exception granted by the BZA on December 18, 2012, along with copies of the previously approved first, second, third, and fourth one-year extensions granted by the BZA on November 6, 2018, June 18, 2019, June 2, 2020, and July 20, 2021 are attached hereto and incorporated herein by reference. This is the fifth one-year extension being requested.

Pursuant to Section 54-962, the Permit Extension Joint Resolutions of 2010 and 2013 (as defined in Section 54-961) had the effect of suspending the running of the period of a vested right until December 31, 2016. As a result, the two-year vested right term for the Special Exception for 246 Spring Street commenced on January 1, 2017 and extended through December 31, 2018. The first one-year extension granted by the BZA commenced on January 1, 2019 and extended through December 31, 2019. The second one-year extension granted by the BZA commenced on January 1, 2020 and extends through December 31, 2020. The third one-year extension granted by the BZA commenced on January 1, 2021 and extends through December 31, 2021. The fourth one-year extension granted by the BZA commenced on January 1, 2022 and extends through December 31, 2022. Based on the foregoing, this fifth one-year extension period should commence on January 1, 2023 and extend through December 31, 2023.
Board of Zoning Appeals – Zoning

Page 1 of 1
City of Charleston

PROPERTY LOCATION, TM and NUMBER(S) AND DESCRIPTION OF REQUEST(s):
246 SPRING ST. (WESTSIDE) (469-10-02-005)
Request special exception under Sec. 54-220 to allow a 125-unit accommodations use in a MU-2/AH (Mixed Use 2, Workforce Housing) zone district.

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

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

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

Date issued: 2012

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

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

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

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

Date issued: 2012

Approvals of the Board shall remain valid for two (2) years from the approval date, unless continued in accordance with the provisions of Section 54-962. Approvals may not apply for the same request that has been denied by the Board until a period of six (6) months has elapsed.

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

City of Charleston

Instructions – Submit this application, along with the required information and fee, to the 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, for which the appeal period shall be fifteen (15) calendar days. An appeal to the Board during the 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.
☐ A Recomputation 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: December 16, 2012

Property Address: 246 Spring Street

TMS #: 469-10-02-005

Property Owner: RTWMC, Inc

Daytime Phone: 843-725-5229

Applicant: Thomas & Hutton

Daytime Phone: 843-725-5229

Applicant’s Making Address: 550 Johnna Dodds Blvd, Mt. Pleasant, SC 29464

Alt. Tony M. Woody

E-Mail Address: twd@thincorporated.com

Relationship of applicant to owner (name, representative, prospective buyer, etc): Civil Engineer for Buyer

Zoning of property: MU-2/AH

Information required with application: a check in box submitted:
☐ Scaled plans or plot, including elevations, showing the variance or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show FMAAC, 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 (2 sets)
☐ Highway or roads necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (payable to the City of Charleston)
☐ Pursuant to Section 6-261-145 of the South Carolina Code of Laws, is the property, which is the subject of this Application, realized 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 very useful information:
☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

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

Applicant: [Signature]

Date: 11/11/12

Time application received by Board: [Signature]
the Board of Zoning Appeals held a public hearing to consider the above appeal for a special exception which may be permitted by the Board pursuant to the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board finds the following facts and conclusions.

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

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

Date Issued: 1/14/94
Chairman:

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

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

APPROVED. The Board concludes that:
1. The conditions in the Section(s) of the Zoning Ordinance (listed above) are applicable to the property described above.
2. The conditions do not generally apply to other property in the vicinity.
3. Because of the nature of the variance, the application of the conditions in the particular area of the property would not be inconsistent with the public interest, health, safety, and welfare.
4. The conditions will not be detrimental to the public interest, health, safety, and welfare of the community.

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

Date Issued: 1/14/94
Chairman:

Applicant of this Board information must be filed with the County Clerk within 30 days of the date of the decision. The applicant may be required to pay the current fees and expenses of the Board as determined by the County Clerk.
PROPERTY LOCATION, TMS NUMBER(S), AND DESCRIPTION OF REQUEST(S): 546 SPRING ST. (WESTSIDE) (660-10-02069)
Request the hereby extension of a special exception that expires on December 31, 2031 pursuant to Sec. 54-220 on December 18, 2012 for a 125-unit accommodation use in a MU-2/WH (Mixed-Use 2 Work Force Housing) zone district.

Ordinance/Regulation/Exception Request:
The Board of Zoning Appeals Zoning had a public hearing to consider the above request for a special exception which may be permitted by the Board pursuant to the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

Q. DENIED. The Board concludes that the standards in the Section(s) of the Zoning Ordinance (Rule(s) below), which are applicable to the requested special exception(s), have not been met and therefore denies that the special exception be granted.

APPROVED. The Board concludes that the standards in the Section(s) of the Zoning Ordinance (Rule(s) below), which are applicable to the requested special exception(s), have been met and therefore grants that the special exception be granted, subject to the following conditions.

Effective date: [Date]
Expiration date: [Date]

Ordinance/Variance Request:
The Board of Zoning Appeals Zoning had a public hearing to consider an appeal for a variance from the standards of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

Q. DENIED. The Board concludes that the requirements for granting a variance have not been met and therefore denies that the variance be granted.

APPROVED. The Board concludes that the requirements for granting a variance have been met and therefore grants that the variance be granted, subject to the following conditions.

Effective date: [Date]
Expiration date: [Date]

Order of Variance Request:
The Board of Zoning Appeals Zoning had a public hearing to consider an appeal for a variance from the standards of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

Q. DENIED. The Board concludes that the requirements for granting a variance have not been met and therefore denies that the variance be granted.

APPROVED. The Board concludes that the requirements for granting a variance have been met and therefore grants that the variance be granted, subject to the following conditions.

Effective date: [Date]
Expiration date: [Date]
Agenda Item #B-6

56 STATE STREET
(TMS # 458-05-03-108)

Request special exception under Sec. 54-220 to allow a 50-unit accommodations use in a GB-A (General Business-Accommodations) zone district.
Application for Variance, Special Exception, Reconsideration, or Extension

City of Charleston

Instructions - This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on 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 uses variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

☑ A Variance and/or Special Exception as indicated on page 2 of this application.
☑ Reconsideration of a decision of the Board or action of a zoning official (attach appeal form).
☑ Extension of an expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: June 7, 2022

Property Address: 56 State Street
TMS #: 458-05-03-108

Property Owner: East Bay Company Ltd
Daytime Phone: 843.720.8640

Applicant: Womble Bond Dickinson (US) LLP, James Wilson
Daytime Phone: 843.720.8640

Applicant's Mailing Address: 5 Exchange Street, Charleston, SC 29401
E-mail Address: James.wilson@wbd.us.com

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

Zoning of property: GRB Accommodations Overlay A-1

Information required with application (check information submitted):
☐ Scaled site plan (not to exceed 15% for land area)
☐ Scaled plan, including elevations, showing one 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 total floor area and total floor area for each dwelling unit rented are required for all minor variance and building additions unless exempted by the Board (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, cashiers check or money order payable to the City of Charleston
☐ 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
☐ Designated 3rd party check payable to the City of Charleston in the City of Charleston

For Special Exception 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 where strict application of the provisions of the ordinance would result in unnecessary hardships. A variance may be granted in an individual case where unreasonableness hardship if the Board finds 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 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, 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, welfare. (SC Code of Laws § 6-29-800)

For Special Exception requests, applicants should list the specific variance(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 5-9-110, § 5-9-205, or sections in Article 5 (add as an attachment if necessary)

See Attached Exhibits

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

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

All approvals of the Board shall remain valid for two (2) years from the approves 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.
Exhibit to Application

Board of Zoning Appeals – Zoning

56 State Street

May 9, 2022

RE: Request for Special Exception Approval for Accommodations Use for 56 State Street, City of Charleston

We are requesting a Special Exception pursuant to Section 54-220 to allow a 50 unit accommodations use boutique hotel, including meeting space and a lobby bar, to be constructed at the corner of State Street and Cumberland Street on the parcel that has been occupied for an extended period of time by a former gas station and presently convenience store. The entrance to the building for the accommodations use will be located at the corner of Cumberland Street and State Street.

The following are written responses to the criteria and information required under Section 54-220 for the Accommodations Overlay District for the above-referenced project:

a) the accommodations use will not result in a net loss of dwelling units that have been occupied within five years of the date of application for the exception, provided however, the BZA-Z may approve the alteration or replacement of such existing dwelling units on the same site as the accommodations use, or within a radius of one quarter (¼) mile from the site if the proposed off site location does not result in an over concentration of low income households, as defined by the U.S. Department of Housing and Urban Development, as adjusted by the Department of Housing and Community Development; and provided further, the BZA-Z shall require any such alteration or replacement to include dwelling units of substantially the same size and type of those being altered or replaced and shall require that no certificate of occupancy shall be issued for the accommodations use until either a certificate of occupancy has been issued for all dwelling units being altered or replaced or irreparable bonds or letters of credit in favor of the City in amounts equivalent to one hundred twenty-five (125%) per cent of the costs to complete construction or renovation of the dwelling units, as determined by the Chief Building Inspector, has been filed with the City; The site has not had any residential units occupied within the past five years.

b) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not reduce or displace more than 25% of office space that has been used for such purpose within five years of the application for the exception; The site has not had any office space occupied within the past five years.

c) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not displace more than 25% of the linear frontage of existing ground floor storefront retail space on the property. The site does not have existing storefront retail space that is being displaced.

d) the location of the accommodations use will not significantly increase automobile traffic on streets within residential districts; The project is located in a commercial/business district bordered by East Bay Street, Cumberland Street, Meeting Street, and Market Street with easy access to primary arterial streets. Access to the property will not require traversing any residential neighborhoods. Most guests are expected to arrive and depart via Cumberland Street or Market Street to and from the primary arterial roads, East Bay Street and Meeting Street, which connect north to Interstate 26 and Highway 17. Guests will arrive and depart from a loading and unloading area with valet service located on State Street in front of the hotel for guest drop off and pick up. Guests may also be able to drop off and pick up their vehicles within the hotel parking entrance located on Cumberland Street. Once guests have arrived at the hotel, they will likely park their cars for the majority of their stay. As described in the traffic memo submitted as part of this application, the proposed 50 room boutique hotel would be expected to generate roughly the same number of vehicle trips as the existing convenience store operating on the property. As a result, the proposed hotel would not significantly increase traffic on nearby streets. In addition, the proposed hotel is also expected to reduce the number of large commercial truck deliveries at the site.

e) the location of the accommodations use will contribute to the maintenance, or creation, of a diverse mixed-use district; The property is located within an existing mixed use area containing restaurant, office, hotel, and retail uses. Restaurants are located essentially adjacent to the property on both Cumberland and State Streets, and East Bay and Market Street retail and restaurants are within half a block from the property. Diagonally across the intersection of Cumberland Street and State Street is an office building. The property directly across State Street has been rezoned from accommodations use to MU2/WH and is in the permitting process for a mixed-use residential development.

f) the total square footage of interior and exterior floor area for restaurant and bar space in the proposed accommodations use, including restaurant/bar patron use areas, bar areas, kitchen, storage, and bathroom facilities, shall not exceed 12 percent of the total interior, conditioned floor area in the accommodations use, except that each accommodations use shall be permitted to exempt from the calculation of total restaurant floor area one interior, ground floor restaurant tenant space if the total tenant space does not exceed 2,000 square feet, the restaurant tenant does not serve alcohol, beverages, and the exempt restaurant tenant space is clearly labeled with these restrictions on the floor plans submitted with the application for this zoning special exception; The project will meet the requirement not to exceed 12% of floor area for restaurant and bar space. The proposed lobby and bar area square footage is approximately 3,200 square feet, only 8.6% of the approximate total 37,600 square feet of interior, conditioned floor area of the project.
g) the accommodations use proposed guest drop off and pick up area(s) is located outside the public right-of-way and on the property utilized for the accommodations use. The accommodations use contains more than 50 sleeping units, and if 50 sleeping units or less, the proposed guest drop off and pick up are(s) are located outside the public right-of-way if feasible, and the location and design of the guest drop-off and pick up area(s) has been reviewed by the Department of Traffic and Transportation and determined to be safe and not be an impediment to traffic and that every effort has been made to minimize traffic impact. The guest drop off and pick up area will be located on State Street in front of the hotel with valet service for guest vehicles. Guests may also be able to drop off and pick up their vehicles within the hotel parking entrance located on Cumberland Street. The site plan has been submitted to the Department of Traffic and Transportation, and notification of approval will be provided prior to the BZA hearing on this application. Most of the existing curb cut area of the property will be replaced with a sidewalk and on-street leading and unloading area on State Street in front of the hotel, with no loss of on-street parking spaces.

h) the total number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located is equal to or exceeds ten (10) sleeping units: The project will have 50 sleeping units.

i) within areas of the accommodations overlay zone designated as "A-1", "A-2", "A-3", "A-4", "A-5", "A-6", or "A-7" on the zoning map, the number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located shall not exceed 50 in areas designated "A-1" and "A-2"; 225 in areas designated "A-3"; 100 in areas designated "A-4"; 150 in areas designated "A-5"; 69 in areas designated "A-6"; and 175 in areas designated "A-7" provided, however, that within the portion of the area designated "A-1" bounded by King Street on the west, Meeting Street on the east, Mary Street on the south and Line Street on the north (the "Full-Service Corridor"), the number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located may exceed 50, but shall not exceed 250 if the accommodations use qualifies as a Full-Service Hotel, meaning that the accommodations use provides 20,000 or more square feet of meeting, conference and banquet space of which 15,000 square feet thereof is contiguous, an on-site restaurant that serves breakfast, lunch and dinner seven days a week and other services such as a concierge, a health club, laundry, room service, newspaper delivery, security personnel and airport shuttle; and in no event shall any accommodations use on the peninsula exceed 250 sleeping units: The property is within the A-1 accommodations overlay area and will have 50 hotel rooms as permitted.

ej) the proposed accommodations use will not share any of its buildings, structures, facilities, or operations with another accommodations use: The accommodations use on the same property will not share its building, facilities, or on-site operations with another accommodations use.

k) (1) The proposed accommodations use incorporates meeting and conference space at a ratio of 400 square feet per 10 sleeping units, or fraction thereof, with respect to the first 150 sleeping units, and incorporates meeting and conference space at a ratio of 1000 square feet for every 10 sleeping units, or fraction thereof, exceeding 150 sleeping units. In either case, at least 75% of the meeting and conference space shall be contiguous. (2) Notwithstanding subsection (1) hereof, if the accommodations use contains more than 50 sleeping units and is located in the Full-Service Corridor, the provisions of subsection (1) hereof shall govern the square footage of required meeting and conference space. The project will include at least 2,000 square feet of meeting and conference space and satisfy the required ratio of 400sf/10 sleeping units, with at least 75% of such space being contiguous.

l) the proposed accommodations use will not result in there being more than eight (8) Full-Service Hotels on the peninsula, inclusive of those Full-Service Hotels existing on the peninsula and those with approved special exceptions as of the effective date of the ordinance from which this section derives, for purposes of this subsection (1) only, a Full-Service Hotel means a Full-Service Hotel as defined in subsection (1) having in excess of 150 sleeping units: The project will not be a Full-Service Hotel containing in excess of 150 sleeping units.

m) to assist in providing affordable housing opportunities for its employees, the applicant for the accommodations use commits to contribute to the City of Charleston Affordable/Workforce Housing Account a fee payable upon the issuance of a Certificate of Occupancy, calculated as follows: $5.10 per square foot of area used for sleeping units and the hallways adjacent to sleeping units, stairwells and elevators: Fee will be paid upon issuance of a Certificate of Occupancy for accommodations use.

Application requirements. In making the findings required in subsection b.1, the Board of Zoning Appeals-Zoning shall consider the following information to be provided by the applicant in its site plans, floor plans and building elevations that will govern the construction in the building in which the accommodations use is located, along with a detailed written assessment report to be submitted with the application:

1. The number of existing dwelling units on the property, including units on the property that were occupied as dwelling units within five years of the date of the application, for the exception, the type of unit (rental or owner-occupied, one-family detached, one-family attached, two-family or multi-family, occupied or unoccupied), by income range of the most recent occupants, the rental price for rental units and market price for owner occupied units relative to the area median income figures that are determined annually by the U.S. Department of Housing and Urban Development and adjusted by the City of Charleston Department of Housing and Community Development, or its successor, the physical condition of the units (round, deficient, deteriorated or dilapidated), the square footage and number of bedrooms in each unit, and if the units are proposed to be physically altered or replaced, a description and plan showing the square footage and number of bedrooms in the altered or replaced units, and their location: Not applicable – no dwelling units have existed within the past 5 years on the property.

2. The effect of the physical alteration or replacement or relocation of dwelling units on the housing stock of a particular type on the property and whether a condition should be
attached to a special exception approval for the accommodations use requiring a minimum percentage of the dwelling units on the property or replaced off-site to remain affordable based on the annually updated median area income value. Not applicable—no dwelling units have existed within the past 5 years on the property.

3. The presence of office space on the property, or the presence of spaces on the property that were occupied as office spaces within five years of the date of application for the exception: Not applicable—not office space has existed within the past 5 years on the property.

4. The linear frontage of existing ground floor storefront retail space on the property: Not applicable—not storefront retail space currently exists on the property.

5. The location and design of guest drop off and pick up areas for the accommodations use: In addition to the on-site vehicle drop off and pick up at the entrance to the parking garage, a curbstone loading and unloading area for the hotel will be located in front of the hotel on State Street in an area that is currently a broad curb cut driveway to the property.

6. The cumulative number of vehicle trips generated by the proposed accommodations use and other accommodations uses that are either existing or approved within an area identified by the Department of Traffic and Transportation, the traffic circulation pattern serving the accommodations use and efforts made to minimize traffic impacts: Guests will enter the parking garage from Cumberland Street adjacent to the hotel lobby. East Bay Street is an arterial road leading from the property to Interstate 26 and Highway 17, which is the route most of the vehicles are expected to utilize. The traffic memo submitted as part of this application describes the vehicle trips generated by the proposed facility as well as the existing convenience store use. The site is ideally situated for pedestrian access to nearby shopping, dining, and tourist activities, minimizing the need for guests to use their vehicles during their stay. Departing guests will have their cars delivered to them at the exit of the garage on Cumberland Street with easy access to Meeting Street and to East Bay Street.

7. The distance of the main entrance and parking entrance of the accommodations use from a road classified as an arterial or collector road: The main entrance to the hotel will be located at the corner of Cumberland and State Streets, and the vehicular parking entrance will be located on Cumberland Street, just half a block off of East Bay Street, which is the closest arterial road to the project.

8. The land uses within five hundred feet (500') of the accommodations use, to include the location, square footage, and number of rooms in existing accommodations uses and accommodations uses that have been approved: The proposed mixed use project is consistent with the predominant land uses within 500' of the project which include primarily commercial uses—various businesses, restaurants, offices, residential, retail and other hotels. Other existing or approved accommodations uses within 500' of the proposed accommodations use include The Loutrel at 61 State Street (50 rooms), the Spectator at 67 State Street (46 rooms), the Lodge Alley Inn at 195 East Bay Street (87 rooms), the French Quarter Inn at 166 Church Street (50 rooms), the Saint Hotel at 194 East Bay Street (50 rooms), and the Market Pavilion Hotel at 225 East Bay Street (66 rooms), and an approved hotel at the Rainbow Market, 40 N. Market Street (59 rooms).

9. The proximity of residential districts to the accommodations use: The existing context is primarily commercial, and the historical use of the property has been commercial. The residential neighborhood located further south on State Street would not be negatively impacted by converting the existing convenience store to a boutique hotel.

10. The accessory uses proposed for the accommodations use, such as restaurants, spas, bars, pools and the like, in terms of their location, size, impact on parking, traffic generation, noise or odors in or to a residential district: The ancillary lobby bar is expected to cater primarily to hotel guests and is not expected to materially impact parking or traffic. The traffic memo submitted with this application includes ancillary facilities in the standard and unloading area and ITE Trip Generation, Tenth Edition, traffic calculations for Land Use 310, which reflects all trips related to operation of the hotel project. No residential district will be impacted by any ancillary uses.

11. The demonstrated provision of off-street parking at the rate of two spaces that meet the design requirements of section 54-318 for each three sleeping units, provided however, the utilization of mechanical or other means of parking that meet the ratio of two spaces for each three sleeping units shall be allowed: Off-street parking for the hotel will be provided at the required 2 spaces for 3 rooms with a minimum of 24 on-site spaces for hotel guest use. Total on-site parking for the proposed mixed use project will meet or exceed zoning code requirements.

12. The presence of industrial uses and uses which use, store, or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials, within five hundred feet (500') of the accommodations use: No known industrial uses which use, store or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials are located within 500' of the project.

13. The commitment to environmental sustainability and recycling: The design intent would be committed to sustainability and the reduction of waste through recycling.

14. The distance of the accommodations use from major tourist attractions: The proposed hotel is conveniently located near principal historic areas and arts venues, as well as shopping and dining areas.

15. The distance of the accommodations use from existing or planned transit facilities: The property is located about two blocks from a stop serving three CARTA routes on Market Street and Meeting Street.

16. The long term provision of on- or off-site parking for employees who drive vehicles to work, including an estimate of the number of employees that will drive to work during the maximum shift and the location of parking spaces to be provided, and the demonstrated
provision of free transit passes or other incentives to encourage employee use of public transportation: The estimated number of hotel employees who may elect to drive to work is 8 (calculated as 50% of the projected 16 employees at peak shift periods). In addition to the 34 on-site parking spaces, the applicant has entered into an agreement for a long term lease of 8 parking spaces within the adjacent parking garage, which 9 parking spaces can be used for employee parking. The convenient location of CARTA bus service should encourage a higher percentage of employees to use public transportation, and employees will be offered at least a 30% employer contribution to monthly bus passes. Bicycle storage will also be provided to hotel employees to encourage bicycle use.

17. The number of sleeping units proposed as part of the accommodations use: The proposed accommodations use will have 50 units.

18. The provision of shuttle bus services to and from the Historic Districts by accommodations users with more than 50 sleeping units located outside the area designated "A-1" through "A-6" on the zoning map: Not applicable - the property is in the A-1 area.

19. The commitment to make affirmative, good faith efforts to see that construction and procurement opportunities are available to MBEs (minority business enterprises) and WBEs (women business enterprises) as outlined in section 2-290 (e)(1), (2), and (3) of the Code of the City of Charleston. The developer will make a commitment to make affirmative, good faith efforts to see that construction and procurement opportunities are available to MBEs and WBEs. Efforts will be made by the owner and general contractor to solicit bids from MBE and WBE companies where possible and available to attempt to meet this provision when applicable.

20. The commitment to make affirmative, good faith efforts to hire personnel, representative of the population of the Charleston community, at all employment levels: The developer will make a commitment to make affirmative good faith efforts to hire personnel representative of the Charleston community at all employment levels.
Agenda Item #B-7

72 CLEMSON STREET
(WAGENER TERRACE)
TMS # 463-07-02-026

Request special exception under Sec. 54-110 to allow a vertical extension (loft) to a non-conforming detached accessory building that does not meet the required 60-ft. front setback and 25-ft. rear setback.

Zoned SR-2
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, must be submitted in PDF format to the Board Administrator at bza@charleston.gov. Applicant will then be notified for fee. 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 three (3) 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 shall stay all further action on the application.

The Applicant Therefore 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].

Meeting Date Requested: June 7, 2023

Property Address: 721 Clemson St, TMS # 030-063-010

Property Owner: Paul Walker
Daytime Phone: 843-275-9013

Applicant: Paul Walker
Daytime Phone: 843-275-9013

Applicant's mailing address: 721 Clemson St, Charleston, SC 29405
E-mail Address: rwalker.richard@spam.com

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

Zoning Property: Residential

Information required with application: (check information submitted)
- Site plans or plans, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- For new construction or additions within a flood zone, show HEC-2C and plat on scaled plans
- Site plans or plans showing the variance(s) or special exception(s) being requested (3 sets)
- Plats or documents necessary to show compliance with special exception requirements (3 sets)
- Site plan or site plan showing the variance(s) or special exception(s) being requested (3 sets)
- Yes or No – Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use? Included on this permit application? § 6-29-115 of the South Carolina Code of Laws

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

I certify that the information on this application and any attachments is correct, that the proposed improvement complies with private neighborhood covenants, if any, and that I am the owner of the 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: 06/17/23

For office use only
Date application received
Sale/Lease
Fee
Time application received
Receipt 

BZA-Z Application (continued)

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

Variance Test: The Board of Zoning Appeals/Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict adherence to the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions are not generally applicable 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 § 54-1-10, § 54-206, or sections in Article 5 (add as an attachment if necessary).

I am requesting a special exception to increase the height of my accessory building from 74" to 114(aw)
The front yard would remain the same and it should not adversely affect the neighboring light, noise, air, traffic, parking, etc.

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

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401
(843) 724-5201 www.charleston-sc.gov/zoning
Boundary Survey
Lot 36
Mt. Pleasant Farms
Located in
City of Charleston
Charleston County, South Carolina

Field Date: March 4, 1995
Drawing Date: March 10, 2000
SCALE 1" = 20'

I certify that I am the holder of a license by the Peace Officer's License Board of the State of South Carolina to perform the services described in this plan.

James H. Parthesius, P.L.S. (M.B.)
Parthesius Land Surveying, Inc.
2005 Fannin Street, 3rd Floor
Charleston, SC 29401
(843) 577-5400
PROPOSED 1ST FLOOR
SCALE: 1/8"=1'-0"

PROPOSED 2ND FLOOR
SCALE: 1/8"=1'-0"

NOTE: ALL DIMENSIONS SHALL BE FIELD
VERIFIED PRIOR TO CONSTRUCTION AND
ANY DISCREPANCIES SHALL BE REPORTED
TO COOK DESIGN STUDIO INC. FOR
JUSTIFICATION AND/OR CORRECTIONS.
BUYER AND/OR OWNER SHALL ASSUME
LIABILITY FOR ERRORS THAT ARE NOT
REPORTED. THE INFORMATION CONTAINED
IN THESE PLANS ARE LIMITED TO THE
OBSERVATION OF THE INFORMATION
AND CONDITIONS AS PROVIDED BY YOU, THE
HOME OWNER. COOK DESIGN STUDIO INC.
ASSUMES NO LIABILITY FOR ANY CHANGES
OR MODIFICATIONS MADE TO THESE PLANS
IN WHOLE OR IN PART.

SQUARE FOOTAGE
1ST FLOOR: 342 SQ. FT.
LOFT: 174 SQ. FT.
TOTAL HEATED: 516 SQ. FT.
Agenda Item #B-8

24 STATE STREET
(FRENCH QUARTER)
TMS # 458-09-01-120

Request special exception under Sec. 54-110 to allow a change on the ground floor from a non-conforming retail use to a non-conforming office use with days of operation Monday-Saturday and hours of operation 8am-6pm in a SR-5 (Single-Family Residential) zone district.
Application for Variance, Special Exception, Reclassification, or Extension

City of Charleston

Instructions – This application along with the required information and fee must be submitted to the Board of Zoning Appeals – Zoning (BZA-Z). 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 a zoning officer (attach Appeal Form). 
[ ] Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: JUNE 07 (SUBMIT BY MAY 07)

Property Address: 24 STATE ST

Property Owner: KUHNHANN GRANITE/24 STATE STREET LLC 

Applicant: MEAD ARCHITECTURE (JEREMY TATE)

Applicant’s Mailing Address: 2A11 ABALOA DR

CHS, SC 29405 

E-mail Address: jeremy@meadarchinc.com

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

Zoning of property SR-5 NOS. (Non-Conforming Retail)

Information required with application: (check information submitted)
[ ] Signed plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
[ ] For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
[ ] 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 covenants that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-145 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 [Signature]

Date 5/5/2022

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 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, § 54-200, or sections in Article 5 (add as an attachment if necessary):

Currently, SR-5 non-conforming retail. It appears for non-conforming retail/office use. Per 54-110(c), this is equally appropriate or more appropriate to the district. Per 54-110(d), the building or structure will not be physically extended to provide more area for non-conforming use.

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 3 George Street Charleston, South Carolina 29401
(843) 724-3731 www.charleston-sc.gov/zoning
BUILDING AREA

- GROUND FLOOR AREA (GROSS) - 905 SF
- RESIDENTIAL GROUND FLOOR AREA (NET) - 38 SF
- CURRENT RETAIL GROUND FLOOR AREA (NET) - 766 SF

GROUND FLOOR EXISTING PLAN

...
BZAZ NOTES:
1. SPACE IS CURRENTLY ZONED SR-5 WITH NON-
   CONFORMING RETAIL. LOOKING FOR BZAZ TO
   CONSIDER ADDITIONAL NON-CONFORMING OFFICE
   SPACE AS DEFINED IN PLAN ABOVE.
2. OFFICE HOURS TO BE MONDAY - SATURDAY 8AM -
   6PM BY APPOINTMENT ONLY.
3. ENTRY & LAUNDRY FOR UPPER RESIDENCE ONLY.

WALL LEGEND

EXISTING WALL
NEW WALL
Letter of Support

April 18, 2022

Lee Batchelder
City of Charleston, Zoning Administrator
2 George Street
Charleston, SC 29401

Re: 24 State Street – Ground Floor ‘Use’

Dear Mr. Batchelder,

I have reviewed the proposed zoning request at 24 State Street. Currently, 24 State Street has a retail use at ground floor which is a legal non-conforming use. The applicant, who resides at the second and third floor of the property, is requesting to retain retail at the ground level and add ‘office’ as a potential use, if the BZAZ grants this request, the owner of 24 State Street will have a legal non-conforming ‘retail/office’ use for the ground floor.

I support this project and the request to allow ‘office use’ in addition to ‘retail use’ at the ground level.

NAME
EDDIE L IRONS, M.D.

ADDRESS
35 STATE STREET

DATE
4/19/2022

NAME
ryan allard

ADDRESS
35 st. ste.

DATE
4/20/22

NAME
Betty douglass

ADDRESS
35 1/2 state st.

DATE
4/21/22

NAME
kathlyn howard

ADDRESS
3 1/2 state st.

DATE
4/20/22

NAME
John pope

ADDRESS
33 state st.

DATE
4/21/22

NAME
MICHEAL KELVIN HARTON

ADDRESS
2402 state st.

DATE
4/21/22

NAME
Denise cole

ADDRESS
22 state st.

DATE
4/21/22

NAME
vegan man

ADDRESS
25 state st.

DATE
4/21/22

NAME
Margaret Mack

ADDRESS
20 state st.

DATE
4/21/22

NAME
Bobbi Swity

ADDRESS
30 state st.

DATE
4/21/22
Agenda Item #B-9

5 SHEPPARD STREET
(EASTSIDE)
TMS # 459-05-04-069

Request special exception under Sec. 54-110 to allow a 1-story addition (kitchen) and hvac platform that extends a non-conforming 3.2-ft. west side setback (7-ft. required).
Request variance from Sec. 54-301 to allow a 1-story addition and hvac platform having a 52% lot occupancy (50% limitation; existing lot occupancy 46%).
Zoned DR-2F
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z) 
City of Charleston

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

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

MEETING DATE REQUESTED: JUNE 17th, 2022
Property Address: 5 SHEPHERD ST. Property Owner: KEVIN EBBERLE Daytime Phone: 843-732-3818
Property Address: 5 SHEPHERD ST. Property Owner: KEVIN EBBERLE Daytime Phone: 843-732-3818
Applicant: HUNTER, KENNEDY / KDS, LLC Daytime Phone: 345-5145
Applicant’s Mailing Address: 1317 KING ST. #5 CHES, SC 29403
E-Mail Address: studio@kennedyem.com

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

Zoning of property: DR-2-A

Information required with application: (Check information submitted)
☐ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show floodplain and other necessary studies (3 sets)
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all simplicity 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, cashier’s check or cash (make checks payable to the City of Charleston)
☐ Yes ☐ No ☐ Is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? ☐ 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 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: KEN WALKER
Date: 5/15/22

For office use only
Date application received ___________________ Fee $ ___________________
Time application received ___________________ Receipt # ___________________

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

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

5/19
Kevin R. Eberle
367 President Street
Charleston, South Carolina 29403

Board of Zoning Appeals
2 George St.
Charleston, SC 29401

Re: 5 Sheppard St.

Dear Board Members:

In January 2022, I bought 5 Sheppard St. to restore and have been working with Hunter Kennedy on a plan that will preserve the historic house while making it livable.

The house was built by a freed slave named Andrew Simons in 1873, and his family occupied the house until the 1940s. In 1895, the house had two rooms added to it, one at each end. Then, in 1950, the piazza was expanded and enclosed. The house is among the earliest examples of the very small house form known as a Charleston cottage or a freedman’s cottage.

My plan is to return the house to its 1895 appearance by removing about 30% of the floorspace (the enclosed piazza rooms from 1950) and rebuilding a piazza. While removing the enclosures is desirable, the remaining footprint cannot be practically reworked for modern living without sacrificing the very things that make the house historically important.

To strike a balance between having a well-preserved historic house and a livable dwelling will require three approvals: (1) a special exception for the side setback on the west (next to 7 Sheppard St.), (2) a special exception for the front setback, and (3) a variance for the lot coverage.

As to the variance for the lot coverage, the following are the specific factors bearing on the request:

(a) Extraordinary and exceptional conditions pertain to the particular piece of property.

5 Sheppard St. was built in 1873 at the back of a long east-west lot at the corner of Aiken and Sheppard Sts. When the corner lot (1 Sheppard St.) was subdivided and sold off a century ago, the lot coverage for 5 Sheppard St. essentially doubled. As a result, almost any additions to the footprint push the lot coverage over the zoning maximum.

Additionally, the house form—a Charleston freedman’s cottage—contributes to the problem. The very definition of a Charleston freedman’s cottage is a one-story house. A freedman’s cottage cannot have a second (or third) story added to it to increase the interior space without fundamentally changing the very thing that made the house notable to start with.

(b) These conditions do not generally apply to other property in the vicinity.

The vast majority of houses in the area have never had their lots subdivided after construction. Indeed, the lot to the immediate south was actually increased by joining two, adjacent lots.

Additionally, the condition of being a freedman’s cottage likewise does not generally apply. According to a survey of the freedman’s cottage building form performed by the Historic Charleston Foundation, only about 300 of the freedman houses remain, many of which were built further north on the peninsula. Freedman cottages represent only about 3% of the housing on the peninsula.

(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.

Restoring the house to its historic appearance will result in such a small house that it cannot justify the restoration at all. On the other hand,
expanding the house upwards will also destroy the point of restoring the house because it will fundamentally alter the historic form. A variance to slightly exceed the lot coverage maximum (by less than 2%), the house can be restored for modern living while also staying true to the historic form.

(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.

Far from burdening the public good, the restoration of 5 Sheppard St. will work a tremendous advantage to the neighborhood (and historic Charleston in general).

When the corner lot at Aiken and Sheppard Sts. was sold off a century ago, the house at 5 Sheppard St. was left with a secondary façade “facing” Sheppard St. and with its piazza oriented along the “back” façade. Therefore, all of the alterations to the house will occur on the side of the house that is completely shielded from public view. (Indeed, the BAR staff has already declined to have a hearing over any of the plans since the alterations cannot be seen from the public right-of-way.)

More important, the house has been vacant since the 1990s, and only a miraculous roof free from water intrusion has kept the house for collapsing from decades of demolition by neglect. The house has been a source of constant concern for its neighbors both because of unsanitary conditions, an unappealing appearance, and the risk of fire.

In December, more than a month before I closed on the house, I wrote to each of the neighbors up and down Sheppard St. and along Aiken St. to let them know of my plans, to introduce myself, and to give them my cell phone contact information so that I could immediately reply to any concerns 24/7. Happily, there have been no issues at all, and my new neighbors have been gracious and supportive of the plans. I have shared the current plans with the neighbors to get any input. And, I have very

specifically reached out to the three adjacent owners to seek their support of my plans. They have each enthusiastically endorsed the plans.

My cell is 843-853-5355. If there is anything else that this application needs, please let me know.

Sincerely,

/s/ Kevin R. Eberle

Kevin R. Eberle
Special Exception Request
5 Sheppard Street
Charleston, SC

June 9th, 2022 BZA-Z meeting

The existing footprint of the historic 1872 freedman’s cottage at 5 Sheppard Street does not conform to the current setback requirements. Therefore, the project requires special exceptions for the following:

1. The proposed renovation includes a one-story kitchen addition to the rear of the house which would replace an existing addition that encroaches 3'-2" into the side setback. The new kitchen addition would extend the current 3'-2" encroachment for an additional 14" towards the rear property line.

2. The existing side piazza (circa 1895) sits the front and side property lines, and its renovation would not encroach beyond its current existing footprint. A non-historic addition to this piazza would be removed, shortening it by 4'-6".

3. A screened HVAC unit would be located behind this side piazza, within the footprint of the later piazza addition to be removed. This location would minimize the unit’s visibility elsewhere on the lot and from the adjacent two-story house, which shares no immediate windows.

4. In 1950, a piazza at the rear of the existing cottage was deepened and enclosed to form two rooms and a bathroom. The enclosed space will be restored as a 3'-6" smaller rear piazza with historically appropriate details. Due to the structure’s unique orientation on the lot, this rear piazza will still be beyond the standard 25’ front setback.

We believe the proposed renovations would not result in an unreasonable intensification in the use of the property, as the derelict building would be restored to a single-family dwelling. We also suggest that the modest scale of this renovation would not negatively impact the light & air of the adjacent houses, which are all at least a story taller in height. If allowed, the renovations of this historic freedman’s cottage would enhance the aesthetic character of the Sheppard Street and surrounding neighborhood and perhaps inspire similar projects.
PROPOSED SITE

ZONING INFORMATION
6 SHEPPARD ST.

TMS: 459-05-04-069
LOT: 2614 SF
ZONING: DR-2F
FLOOD ZONE: A10'
FINISHED FLOOR HT.: 8.8'
EXISTING GRADE: 5.7'-6.3'
LOT COVERAGE CAP: 1307 SF (50.0%)
EXISTING LOT COVERAGE: 1195 SF (45.7%)
PROPOSED LOT COVERAGE: 1344 SF (51.4%)
HEATED SPACE: 1043 SF
UNHEATED SPACE: 263 SF
STAIRS & AC: 38 SF
SETBACKS: 25' FRONT / 3' REAR
3' N/E SIDES & 7' S/W SIDES (10' TOTAL)
Waled Mohamed and Doca Helal
1 Sheppard St.
Charleston, South Carolina 29403

Board of Zoning Appeals
Gaillard Center
George Street
Charleston, South Carolina 29403

Re: 5 Sheppard St.

Dear Board Members:

We live next door to 5 Sheppard Street. The new owner of 5 Sheppard St. has shared with us his plans and drawings of the restoration of the house. We have reviewed the plans for 5 Sheppard St. and support the requested zoning changes to the property to allow this renovation.

Sincerely,
[Signature]

Keegan Pierl
7 Sheppard St.
Charleston, South Carolina 29403

Board of Zoning Appeals
Gaillard Center
George Street
Charleston, South Carolina 29403

Re: 5 Sheppard St.

Dear Board Members:

I live next door to 5 Sheppard Street. The new owner of 5 Sheppard St. has shared with me his plans and drawings of the restoration of the house. I have reviewed the plans for 5 Sheppard St. and support the requested zoning changes to the property to allow this renovation.

Sincerely,
[Signature]

Keegan Pierl
Megan Flower  
88 Columbus Street  
Charleston, South Carolina 29403

Board of Zoning Appeals  
Gaillard Center  
George Street  
Charleston, South Carolina 29403

Re: 5 Sheppard St.

Dear Board Members:

I live in the Eastside at 88 Columbus Street. The new owner of 5 Sheppard St. has shared with me his plans and drawings of the restoration of the house. I have reviewed the plans for 5 Sheppard St. and support the requested zoning changes to the property to allow this renovation.

Sincerely,

Megan Flower

Kevin,  
Hope you are successful with your appeal!  
Let us know if you are looking for a Ballet. Thank you!
Charles Haber
55 Columbus Street
Charleston, South Carolina 29403

Board of Zoning Appeals
Gaillard Center
George Street
Charleston, South Carolina 29403
Re: 5 Sheppard St.

Dear Board Members:

I am a resident homeowner in the Eastside live at 55 Columbus Street. The new owner of 5 Sheppard St. has shared with me his plans and drawings of the restoration of the house. I have reviewed the plans for 5 Sheppard St. and support the requested zoning changes to the property to allow this renovation.

Sincerely,

Charles E. Haber

Marshall Walker
82 Columbus Street
Charleston, South Carolina 29403

Board of Zoning Appeals
Gaillard Center
George Street
Charleston, South Carolina 29403
Re: 5 Sheppard St.

Dear Board Members:

I own in the Eastside at 82 Columbus Street. The new owner of 5 Sheppard St. has shared with me his plans and drawings of the restoration of the house. I have reviewed the plans for 5 Sheppard St. and support the requested zoning changes to the property to allow this renovation.

Sincerely,

Marshall Walker
Board of Zoning Appeals  
Gaillard Center  
George Street  
Charleston, South Carolina 29403

Re: 5 Sheppard St.

Dear Board Members:

I own in the Eastside at 82 Columbus Street. The new owner of 5 Sheppard St. has shared with me his plans and drawings of the restoration of the house. I have reviewed the plans for 5 Sheppard St. and support the requested zoning changes to the property to allow this renovation.

Sincerely,

Amy Walker
Request special exception under Sec. 54-110 to extend a non-conforming triplex by increasing the total square footage of conditioned floor area to 2,772sf from 1,982sf and increasing the total number of bedrooms to 8 bedrooms from 6 bedrooms.
BZA-Z Application (continued)

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

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**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)

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

- A density special exception for an existing non-conforming property. The existing historic building is currently configured as a duplex.
- This submission includes a proposal to rezone the front structure as a duplex, and to relocate the third unit to a separate structure in the outbuilding position.

SEE ATTACHED

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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 lapsed.

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

S/ 19
Pennye Ashby, Senior Zoning Planner
City of Charleston Zoning Department
2 George Street, Suite 3100
Charleston SC 29401

Re: Zoning Request - 271 S Philip Street

Dear Pennye,

Please consider this letter an attachment to the Zoning application for 271 S Philip Street. This is an existing non-conforming residential property in the Cannonborough-Elliottborough neighborhood; the historic residence is currently configured as a triplex. The property is zoned GB with a lot size of 4,148sf, and zoning ordinance requires 1,650sf lot per unit, or 4,950sf for three units. My clients would like to renovate the historic structure, removing a plaza extension, lowering the overall square footage to accommodate a duplex. They would like to build a new residence in the outbuilding position to accommodate the third residential unit. So, the proposed new construction will require the following Zoning approvals:

SPECIAL EXCEPTION, SECTION §4.510:

- To allow the relocation of the third non-conforming unit to a new structure, the board is charged with considering the following items, addressed specifically for this property:

  The non-conforming use of a building or structure cannot be physically extended to provide more area for the non-conforming use, and the number of bedrooms in a non-conforming two-family dwelling or multi-family dwelling use cannot be increased, unless the Board of Zoning Appeals—Zoning, after a duly advertised public hearing, finds that the extension or increase of the non-conforming use is:

  (1) limited to extending or increasing the non-conforming use then in existence;

  This proposal continues the non-conforming use as three residential units

  (2) and would not result in an unreasonable intensification of the non-conforming use. In considering the reasonableness of the intensification of the extension or increase, the board shall consider the effect of the extension or increase on properties in the vicinity to include traffic impacts; vehicular and pedestrian safety; parking impacts; potential impacts of noise, lighting, fumes or obstruction of air flow or light on adjoining property; impacts on the aesthetic character of the environs, to include the possible need for screening.

The proposed re-work of the historic structure will remove a non-historic plaza extension, and provide necessary repairs to the structure. The work to the existing structure as well as the new outbuilding will improve the lot and impact the aesthetic character of this block in a positive way.

Since this lot is located at the termination of S Philip Street at the crosstown, the impact to noise and fumes should minimal in comparison to that from the crosstown.

We do not believe this is an unreasonable request. Thank you for your consideration.

Ashley Jennings
SURVEY SPECIFICATIONS

1. Reference the New Survey: Survey No. 003-04-11-12
2. Reference Sheet Book 1833, Page 172
3. Property Owner: The John Drew Trust
4. Survey is done by Instrumental Methods
5. Scale: Not Indicated
6. Survey is done by: H. H. Linder, P.E.
7. Surveyed by: H. H. Linder, P.E.
8. Drawn by: H. H. Linder, P.E.

SITE SURVEY
6245 St. Philip Street
271 St. Philip Street
and PART of SCDOT HIGHWAY R/W
LADSSR9

CITY OF CHARLESTON
CHARLESTON COUNTY, SOUTH CAROLINA

271 St. Philip Street
Charleston, SC 29403

DATE: 05/21/2012
CHECKED BY: NW
DRAWN BY: NW
SCALE: A3 NOTIES

NOTE: SURVEY AND ALL INFORMATION INCLUDED WITHIN HAS BEEN REVIEWED BY THE ENGINEER AND IS PROVIDED FOR REFERENCE PURPOSES ONLY. IT IS NOT RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF INFORMATION CONTAINED WITHIN THIS SURVEY.
ST. PHILIP STREET
35'-0" ROW

271-B
271-A

STREET PLAN

PROJECT SITE

200 ST PHILIP STREET
TBD - 400-04-04-01-0

2-STORY
HEIGHT 25'-0"

ADJACENT
BUILDING

ST. PHILIP STREET
1732 TO JANE STREET

ADJACENT
BUILDING

PARKING SPACE 1

PARKING SPACE 2

PARKING SPACE 3

PARKING SPACE 4

2-STORY
HEIGHT 25'-0"

200 ST PHILIP STREET
TBD - 400-04-04-01-0

0.10 ACRES - 4,145 SF

271 St Philip Street

OWNERSHIP:
Gladys Myers
271 Main Street
Mount Pleasant, SC 29464

ARCHITECT:
AOA Architecture, LLC
503 East Street, Mt Pleasent, SC 29464

STRUCTURAL ENGINEER:
Pepo Gupta, P.E. Engineers and Builders
1861 Savannah Road, 29412, Charleston, SC 29407

DATE: 06/22/2021
SCALE: A-1
DRAWN BY: NR
CHECKED BY: NR

1/8" = 1'-0"

A-001
FOUNDATION PLAN: SEE STRUCTURAL DRAWINGS FOR FOUNDATION PLAN
Agenda Item #B-11

52 GIBBES STREET
(CHARLESTOWNE)
TMS # 457-11-04-135

Request special exception under Sec. 54-110 to allow a 2-story addition (den/bedroom) that extends a non-conforming 2.5-ft. east side setback (9-ft. required).

Request variance from Sec. 54-301 to allow a 2-story addition with a 14-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 2 of this application
- Reconsideration of a decision of the Board or a zoning official (attach Appeal form)
- Extension of an unexpired Variance and/or Special Exception approval

MEETING DATE REQUESTED: 06/07/22

Property Address: 52 gibbes street TMS #: 457-11-04-135

Property Owner: peter & elaine lunenburg

Applicant: e e fava architects

Applicant's Mailing Address: 54 broad street, charleston sc 29401

Daytime Phone: 843-723-5009

E-mail Address: eefava@msn.com

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

Zoning of property: SR2

Information required with application: (check information submitted)
- Detailed plans or plots, including elevations, showing the location(s) or special exception(s) being requested (3 sets)
- For new construction or additions within a flood zone, show FMAA 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 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 Law?

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: e e fava architects

Date: 06/09/22

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

Respectfully request review and approval of rear yard setback variance per plans submitted.

The variance test is met in that the limited lot size & clipped rear yard shape is extraordinary & unusual.

This condition does not apply to similarly zoned lots in the area.

The existing building location & lot size unreasonably restrict the owner.

The proposed addition is of no detriment to neighboring properties and our proposal remains well below the allowable lot coverage.

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 § 59-110, § 59-206, or sections in Article 5 (add as an attachment if necessary):

REQUEST EXTENSION OF THE EXISTING, NON CONFORMING EAST SIDE YARD SETBACK, PER PLANS SUBMITTED.

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

We the undersigned have had the opportunity to review the proposed plans designed by
E. E. Fava Architects, for the home of Eleanor & Peter Luxenberg at 52 Gibbs Street.
We are supportive of their BZA & BAR requests for the proposed improvements and rear addition.
We respectfully ask for your approval of their submission. Thank you.

NAME                        STREET ADDRESS                        SIGNATURE                        DATE

Christopher J. Fava 11 North 36th Ave                             5-17-2012

Keith Main 50 Gibbs St                                             5-17-2012

E. E. Fava Architects, etc. 54 Broad Street Charleston, South Carolina 70401 843.722.5098