



# CITY OF CHARLESTON

## BOARD OF ZONING APPEALS – ZONING

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### MEETING RESULTS

**JUNE 20, 2023**

**5:15 P.M.**

**2 GEORGE STREET**

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**7:23 P.M.**

BOARD MEMBERS PRESENT: Jeffrey Tibbals, Allison Grass, Robben Richards, Bill Goodwin, Jr., Chappy McKay, John Bennett, Howell Morrison

STAFF MEMBERS PRESENT: Lee Batchelder, Penny Ashby, Alison Craig, Omar Muhammad

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#### A. Review of Minutes and Deferred Applications from Previously Advertised BZA-Z Agendas

##### 1. Review Minutes of the May 2, 2023 Board Meeting

**DECISION: APPROVED**

MOTION: Approval

MADE BY: John Bennett SECOND: Chappy McKay VOTE: FOR: 4 AGAINST: 0

NOTES:

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##### 2. 193, 195, 197 Jackson St.

**Eastside | TMS #459-05-01-047 | Zoned: LB**

Request approval from Sec. 54-317 to amend the conditions of the BZAZ approval on May 7, 2019 that prohibit a restaurant use in 193 and 199 Jackson St and the yards behind these buildings; to permit one food truck to be stored and operate behind 193 Jackson St. as shown on site plan with no increase in restaurant patron use area.

Owner: Mount Vernon Partners, LLC-Cameron Glaws

Applicant: Kevan Hoertdoefer

**DECISION: APPROVED WITH CONDITIONS**

MOTION: Approval with Conditions

MADE BY: Chappy McKay SECOND: Allison Grass VOTE: FOR: 7 AGAINST: 0

NOTES: Conditions:

- **Monday** - No amplified sound above normal conversational levels and no drums
  - **Tuesday** - No amplified sound above normal conversational levels and no drums
  - **Wednesday** - No amplified sound above normal conversational levels and no drums
  - **Thursday** - Music Stops 10pm, after that no amplified sound above normal conversational levels and no live music
  - **Friday** - Music Stops 10pm, after that no amplified sound above normal conversational levels and no live music
  - **Saturday** - Music Stops 10pm, after that no amplified sound above normal conversational levels and no live music
  - **Sunday** - No music before 1pm. Music Stops 8pm, after that no amplified sound above normal conversational levels and no live music
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**B. New Applications**

**1. 2326 Sunnyside Ave.**

**Wagener Terrace | TMS # 464-13-00-050 | Zoned: SR-1**

Request special exception under Sec. 54-110 to extend a non-conforming building footprint with a rear 2<sup>nd</sup> floor addition in place of an existing roof terrace (bedroom/office/sunroom) and a rear 1-story screened porch addition having a 1.9-ft. west side setback (9-ft. required).

Owner: Taylor Gates  
Applicant: John Douglas Tucker, Architect

**DECISION: APPROVED**

MOTION: Approval

MADE BY: Howell Morrison SECOND: Bill Goodwin, Jr. VOTE: FOR: 7 AGAINST: 0

NOTES:

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**2. 460 Cessna Ave.**

**Citadel Woods | TMS # 350-09-00-191 | Zoned: DR-9**

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

Owner/Applicant: Michael Eippert

**DECISION: APPROVED**

MOTION: Approval

MADE BY: Allison Grass SECOND: John Bennett VOTE: FOR: 7 AGAINST: 0

NOTES:

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**3. 10 and 10 ½ Legare St.**

**Charlestowne | TMS # 457-16-01-064 and 063 | Zoned: SR-3**

Request special exception under Sec. 54-110 to allow a detached accessory building (open dining pavilion) that extends a non-conforming 0-ft. rear setback (3-ft. required).

Owner: 10 Legare Street llc (Scott & Nancy Santi)  
Applicant: Glen Gardner, Landscape Architect

**DECISION: APPROVED**

MOTION: Approval

MADE BY: Howell Morrison SECOND: Bill Goodwin, Jr. VOTE: FOR: 7 AGAINST: 0

NOTES:

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**4. 7 Tynte St.**

**Byrnes Downs | TMS # 421-01-00-145 | Zoned: SR-2**

Request special exception under Sec. 54-110 to allow a vertical extension (2<sup>nd</sup> story, bedrooms/bathroom) to a non-conforming building footprint having a 7.2-ft. north side setback (9-ft. required).

Owner: VK Real Estate Investments, LLC  
Applicant: Arwen Studio, LLC- Patrick Orefice

**DECISION: APPROVED**

MOTION: Approval

MADE BY: Chappy McKay SECOND: Bill Goodwin, Jr. VOTE: FOR: 7 AGAINST: 0

NOTES:

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**5. 3 Murphy Ct.**

**Radcliffeborough | TMS # 460-16-03-128 | Zoned: DR-2**

Request special exception under Sec. 54-110 to allow a rear 2-story addition (kitchen expansion/bathroom/closet) that extends a non-conforming 0.5-ft. east side setback (3-ft. required). Request variance from Sec. 54-301 to allow a 2-story addition having a 38% lot occupancy (35% limitation; existing lot occupancy 36%).

Owner: Paul and Kathrine McCafee  
Applicant: Amber Aument

**DECISION: APPROVED**

MOTION: Approval

MADE BY: Chappy McKay SECOND: John Bennett VOTE: FOR: 7 AGAINST: 0

NOTES:

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**6. 3 Magazine St.**

**Harleston Village | TMS # 457-08-04-083 | Zoned: DR-2F**

Request variance from Sec. 54-301 to allow an HVAC stand with a 1.5-ft. rear setback (3-ft. required). Request variance from Sec. 54-301 to allow a proposed wall height of 8-ft. and a proposed pier height of 9-ft. (7-ft. height limit and 8-ft. pier limit).

Owner: Lillian and John Johnson  
Applicant: Tyler A. Smyth Architects

**DECISION: APPROVED WITH CONDITIONS**

MOTION: Approval with Conditions

MADE BY: Howell Morrison SECOND: Allison Grass VOTE: FOR: 7 AGAINST: 0

NOTES: Conditions: HVAC stand variance approved. Wall height and pier height variance approved for south wall and no greater than two feet on East and West walls, to allow transition to compliance height of 7-ft. wall, 8-ft. pier along East and West boundaries.

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**7. 68 Spring St.**

**Cannonborough/Elliotborough | TMS # 460-08-03-172 | Zoned: GB**

Request approval from Sec. 54-301 to amend conditions attached to a March 21, 1995, BOA (Board of Adjustment) approval that limit the use of this property to a church sanctuary, museum, manuscript library or art gallery, by also allowing commercial short term rental units, restaurant, and event space uses. In 1995, the BOA approved variances to allow the subdivision of the property now comprised of 68 Spring Street and 231 Coming Street and allow 18 dwelling units at 231 Coming Street.

Owner: The Karpeles Manuscript Library  
Applicant: Vince Graham

**DECISION: APPROVED**

MOTION: Approval

MADE BY: Allison Grass SECOND: Robben Richards VOTE: FOR: 6 AGAINST: 0

NOTES: John Bennett-recused

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**8. 46 Peachtree St.**

**North Central | TMS # 463-08-03-058 | Zoned: SR-2**

Request variance from Sec. 54-301 to allow a 1-story addition (bedroom suite/bath) with a 6.8-ft. rear setback (25-ft. required).

Owner: Beth Philips and Scott Poole  
Applicant: Artis Construction

**DECISION: APPROVED**

MOTION: Approval

MADE BY: John Bennett SECOND: Chappy McKay VOTE: FOR: 7 AGAINST: 0

NOTES:

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**9. 257-261 King St.**

**TMS # 457-08-01-050**

Request second one-year extension of a vested right that expires on July 21, 2023, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on July 21, 2020 for a 12-unit accommodations use in a GB-A (General Business-Accommodations) zone district.

Owner: 257 King Street Partnership  
Applicant: Reggie Gibson Architects-Alicia Reed

**DECISION: APPROVED**

MOTION: Approval

MADE BY: Allison Grass SECOND: Howell Morrison VOTE: FOR: 7 AGAINST: 0

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**10. 217 Saint Margaret St.**

**Wagener Terrace | TMS # 463-10-03-020 | Zoned: SR-2**

Request variances from Sec. 54-301 to allow an addition to a house that converts a detached carport/workshop building with a 3.9-ft. rear setback and 0.9-ft. west side setback into attached living space (den, bedroom, bath, laundry) (25-ft. and 9-ft. required). ~~Request a variance to not meet off-street parking requirements (2 spaces required).~~ Zoned SR-2.

Owner: Jayne and Rob Connelly  
Applicant: Mary Mac Wilson

**DECISION: APPROVED WITH CONDITIONS**

MOTION: Approval with Conditions

MADE BY: Howell Morrison SECOND: Robben Richards VOTE: FOR: 7 AGAINST: 0

NOTES: Conditions: Variance approved as requested, except the bay window depicted at the old carport is not approved and therefore the parking variance is moot.

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**11. 37 Broad St.**

**TMS # 458-09-03-121 | Zoned: LB**

Request special exception under Sec. 54-511 to allow one residential unit (2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors) and a restaurant use (1<sup>st</sup> floor) with 793sf of indoor patron use area and 580sf of outdoor patron use area, with 2 off-street parking spaces (15 spaces required; 10 spaces grand fathered for previous office use).

Owner: HTA 39 Broad Street LLC (c/o Mike Shuler)  
Applicant: Julia Martin Architects

**DECISION: APPROVED**

MOTION: Approval

MADE BY: Chappy McKay SECOND: Bill Goodwin, Jr. VOTE: FOR: 7 AGAINST: 0

NOTES:

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**12. 8 Johnson Rd.**

**Crescent | TMS # 421-10-00-040 | Zoned: SR-8**

Request variance from Sec. 54-301 to allow an existing fence to be extended to an 8-ft. height at the left corner of driveway entrance.

Owner: Nicole Orsini  
Applicant: Aspen Fencing

**DECISION: APPROVED**

MOTION: Approval

MADE BY: John Bennett SECOND: Chappy McKay VOTE: FOR: 6 AGAINST: 0

NOTES: Howell Morrison-recused

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**13. 71 Bull St.**

**Harleston Village | TMS # 457-03-02-099 | Zoned: DR-1F**

Request special exception under Sec. 54-110 to allow a horizontal expansion (family room) and vertical extension (bedroom expansion) that extends a non-conforming 12.8-ft. rear setback (25-ft. required).

Owner: J. Walker Layne, Jr. and Nicole Layne  
Applicant: Nicole Dallaire/ Beau Clowney Architects  
*Withdrawn by Applicant*

**DECISION: DECISION**

MOTION: Motion

MADE BY: Member SECOND: Member VOTE: FOR: 0 AGAINST: 0

NOTES:

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**14. 537 Savannah Hwy.**

**Windermere | TMS # 421-06-00-138**

Request special exception under Sec. 54-110 to allow a 2-story, 721sf addition (offices/storage) that expands a non-conforming school use in a SR-2 (Single-Family Residential) zone district.

Owner: Jennifer and Peter Sherman  
Applicant: Peter Sherman

**DECISION: APPROVED**

MOTION: Approval

MADE BY: Chappy McKay SECOND: John Bennett VOTE: FOR: 6 AGAINST: 0

NOTES: Allison Grass-recused

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**15. 343 Folly Rd.**

**Cross Creek | TMS # 424-00-00-022**

Request variance from Sec. 54-204 to allow the hours of operation for an existing restaurant in a LB (Limited Business) zone district to be changed from 7am to 12am Monday-Sunday to 7am to 2am Monday-Sunday (LB limits hours to 7am to 11pm; existing hours are grandfathered).

Owner: JAI Augusta LLC  
Applicant: Quinton Young

**DECISION: APPROVED WITH CONDITIONS**

MOTION: Approval with Conditions

MADE BY: John Bennett SECOND: Chappy McKay VOTE: FOR: 7 AGAINST: 0

NOTES: Conditions: Hours of operation, Sunday-Thursday 1am closing. Friday and Saturday 2am closing. Alcohol sales prohibited.

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**16. 128 Romney St.**

**North Central | TMS # 463-12-03-112 | Zoned: DR-1F**

Request variance from Sec. 54-301 to allow construction of an additional single-family residence with a 3.2-ft. west side setback, a 6.4-ft. total side setback and a 15-ft. 7-inch rear setback (9-ft. 15-ft. 25-ft. required).

Owner: Heidi Brown

Applicant: AJ Architects

***Withdrawn by Applicant***

**DECISION: DECISION**

MOTION: Motion

MADE BY: Member SECOND: Member VOTE: FOR: 0 AGAINST: 0

NOTES:

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