



CITY OF CHARLESTON

BOARD OF ZONING APPEALS – ZONING

MEETING RESULTS

AUGUST 1, 2023

5:15 P.M.

2 GEORGE STREET

6:37 P.M.

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

STAFF MEMBERS PRESENT: Lee Batchelder, Penny Ashby, Emma McQuarrie, Omar Muhammad

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

1. Review Minutes of the July 18, 2023 Board Meeting

DECISION: APPROVED

MOTION: Approval

MADE BY: John Bennett SECOND: Allison Grass VOTE: FOR: 5 AGAINST: 0

NOTES: Howell Morrison did not vote

B. New Applications

1. 41 Bogard St.

Cannonborough/Elliottborough | TMS# 460-08-03-144 | Zoned: CT

Request approval from Sec. 54-203 to amend the conditions to the closing hour of operation for an existing restaurant to operate on Sunday, per BZAZ approval on March 4, 2008; Request to change closing hour of operation from 8pm to 10pm.

Owner: Ian Tomlinson

Applicant: Bethany Heinze

DECISION: APPROVED

MOTION: Approval

MADE BY: Chappy McKay SECOND: Howell Morrison VOTE: FOR: 7 AGAINST: 0

NOTES: Bill Goodwin, Jr. arrives at 5:30

2. 8 King St.

Charlestowne | TMS# 457-16-02-063 | Zoned SR-4

Request special exception under Sec. 54-110 to allow a vertical extension (3rd story, bathroom) to a non-conforming building footprint having a 0-ft. north side setback (3-ft. required).

Owner: Robert W. Burnett and Susan Burnett

Applicant: Capers Barr, III

DECISION: APPROVED

MOTION: Approval

MADE BY: Chappy McKay SECOND: Howell Morrison VOTE: FOR: 7 AGAINST: 0

NOTES: Plans will be revised to remove proposed outdoor terrace.

3. 60 Spring St.

Cannonborough/Elliottborough | TMS# 460-08-02-034 | Zoned: GB

Request variance from Sec. 54-301 to allow construction of an additional detached single-family residence with a 43-ft. front setback, a 1-ft. east side setback, a 10-ft. total side setback (80-ft., 3-ft., 15-ft. required).

Request variance from Sec. 54-317 to allow a total of three detached single-family residences to not provide required parking spaces (5 spaces required).

Owner/ Applicant: Monte Brown

Deferred by Applicant

DECISION: _____

MOTION: _____

MADE BY: _____ **SECOND:** _____ **VOTE: FOR:** ____ **AGAINST:** ____

NOTES:

4. 290 Albemarle Rd.

Albemarle Point | TMS# 421-12-00-003 | Zoned: SR-1/S

Request special exception under Sec. 54-225 to allow construction of a new building (Chapel) that will replace an existing (Chapel) for an existing school in a (S) School Overlay zone district.

Request variance from Sec. 54-301 to allow the new building to be 13-ft. 6-inches from the front property line (25-ft. required).

Request variance from Sec. 54-301 to allow new building (Chapel) to be 45-ft. 8-inches to the top of Bell Tower and 57-ft. 8.5-inches to the top of Chapel (Ordinance limits height to 35-ft.).

Owner: Porter-Gaud School

Applicant: ADC Engineering, Inc.-Gary Jensen

DECISION: APPROVED

MOTION: Approval

MADE BY: John Bennett **SECOND:** Howell Morrison **VOTE: FOR:** 6 **AGAINST:** 0

NOTES: Height variance for Bell Tower, not required is exempt from 35-ft. height limitation.
Chappy McKay-recused

5. Oak Bluff Ave. and Tangles Trail

Oak Bluff | TMS# 263-15-02-060 THRU 069 | Zoned: SR-1

Request variance from Sec. 54-301 to allow construction of single-family residences on lots (93-102) 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.

Owner: Oak Bluff Development, LLC

Applicant: Lesemann & Associates, LLC

DECISION: APPROVED WITH CONDITIONS

FIRST MOTION: MADE BY: Allison Grass, DENY, MOTION FAILED DUE TO NO QUORUM.

MOTION: Approval with Conditions (SECOND MOTION)

MADE BY: Howell Morrison **SECOND:** Bill Goodwin, Jr. **VOTE: FOR:** 4 **AGAINST:** 2
Allison Grass
Robben Richards

NOTES: Jeffrey Tibbals-recused

Approval with the following condition:

That a deed restriction is recorded for each lot, which shall read as follows:

Grantee(s), by acceptance of this deed, hereby warrant(s) that Grantee(s) shall not convert the ground level area underneath the single-family residence constructed on the Property into a finished living space, absent either (i) an express variance granted by the applicable municipal board of zoning appeals allowing such conversion; or (ii) revision of applicable municipal

ordinances to allow residences of up to three (3) stories to be located on the Property. This restriction is binding on Grantee(s), as well as the heirs, successors and assigns of Grantee(s), and shall run with the land and title to the Property from this date forward.
