



Case # BZA-02-23-00655

Charleston County BZA Meeting of April 3, 2023

Applicant/Property Owner: Abigail E. McClam

Property Location: 2064 Medway Road – James Island

TMS#: 343-03-00-100

Zoning District: Low Density Residential (R-4) Zoning District

Request: Special Exception request to establish a Short-Term Rental Property, Extended Home Rental (EHR) in the Low Density Residential (R-4) Zoning District.

Requirement:

*The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 6 Use Regulations, Article 6.1 Use Types and Use Table, Sec. 6.1.3 Special Exception Uses states, "An "S" indicates that a use type is allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions and all other applicable regulations of this Ordinance." Sec. 6.1.6 Table 6.1-1 Use Table indicates that Short-Term Rentals, Extended Home Rental (EHR) in the Low Density Residential (R-4) Zoning District is a use type allowed only if it complies with use-specific conditions of (Article 6.8 Short-Term Rentals) all other applicable regulations of this Ordinance and is approved by the BZA as a Special Exception.*



## CHAPTER 6 | USE REGULATIONS

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(Ord. No. 2177, 10/26/2021)

### ARTICLE 6.1 USE TYPES AND USE TABLE

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This Article explains how to interpret Table 6.1-1, *Use Table*. The top of Table 6.1-1, *Use Table*, contains the Zoning Districts and left side of the table contains the use types. Under the hierarchy established by this Ordinance, the NR district is the least intensive base Zoning District, while the IN Zoning District is the most intensive base Zoning District. The uses listed in Table 6.1-1, *Use Table*, are permitted or not permitted in each Zoning District according to the letter coding described in Sections 6.1.1 through 6.1.5 below.

#### Sec. 6.1.1 A Uses Allowed by Right

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An "A" indicates that a use type is allowed by right in the respective Zoning District, subject to compliance with all other applicable regulations of this Ordinance. A Use Allowed by Right is defined in CHAPTER 12, *Definitions*, of this Ordinance as a Principal Use allowed without the requirement of a Special Exception.

#### Sec. 6.1.2 C Uses Subject to Conditions

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A "C" indicates that a use type is allowed in the respective Zoning District only if it complies with use-specific conditions and all other applicable regulations of this Ordinance. A cross-reference to the applicable conditions can be found in the "Condition" column of Table 6.1-1, *Use Table*. The number provides a cross-reference to the use-specific conditions contained in this Chapter.

#### Sec. 6.1.3 S Special Exception Uses

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An "S" indicates that a use type is allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions and all other applicable regulations of this Ordinance. A cross-reference to the applicable conditions can be found in the "Condition" column of Table 6.1-1, *Use Table*. The number provides a cross-reference to the use-specific conditions contained in this Chapter.

Any use that was legally established before April 21, 1999 without Special Exception approval and which after April 21, 1999 is located in a Zoning District that requires Special Exception approval for the subject use and which presently continues as an allowable use, shall not be considered a nonconforming use and shall not require a Special Exception. Such uses shall be deemed Uses Permitted by Right, as defined in CHAPTER 12, *Definitions*, of this Ordinance.

Any use that was legally established before April 21, 1999 with a Conditional Use Permit and which after April 21, 1999 is located in a Zoning District that requires Special Exception approval for the subject use and which presently continues as an allowable use, shall not be considered a nonconforming use and shall not require a Special Exception. Such uses shall be deemed Uses Permitted by Right, as defined in CHAPTER 12, *Definitions*, of this Ordinance.

#### Sec. 6.1.4 Uses Not Allowed

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Table 6.1-1 Use Table

A=Use Allowed By Right; C=Use Subject to Conditions; S=Special Exception Use (must also comply with applicable conditions); Blank cells indicated prohibited land uses

| Land Uses  | ZONING DISTRICTS |    |    |           |           |          |     |    |         |         |    |     |     |    |    |    |    |    |    | Condition |                           |    |
|--|------------------|----|----|-----------|-----------|----------|-----|----|---------|---------|----|-----|-----|----|----|----|----|----|----|-----------|---------------------------|----|
|  | NR               | OS | RM | AG<br>-15 | AG<br>-10 | AG<br>-8 | AGR | RR | S-<br>3 | R<br>-4 | UR | MHS | MHP | CI | RO | GO | NC | RC | CC |           | RI                        | IN |
| Manufactured Housing Park                              |                  |    |    |           |           |          |     |    |         |         |    |     | A   |    |    |    |    |    |    |           |                           |    |
| <b>MULTI-FAMILY DWELLING</b>                           |                  |    |    |           |           |          |     |    |         |         |    |     |     |    |    |    |    |    |    |           |                           |    |
| Dwelling, Multi-Family                                 |                  |    |    |           |           |          |     |    |         |         |    | A   |     |    |    |    |    |    | C  | C         | Sec. 6.4.31               |    |
| Triplex and Fourplex                                   |                  |    |    |           |           |          |     |    | S       | S       | C  | C   |     | C  | C  | C  | C  |    | C  | C         | Sec. 6.4.35               |    |
| Duplex   |                  |    |    |           |           |          |     |    | S       | S       | C  | C   |     | C  | C  | C  | C  |    | C  | C         | Sec. 6.4.35               |    |
| Dwelling Group   |                  |    | C  | C         | C         | C        | C   | C  | C       | C       | C  | C   |     |    |    |    |    |    |    |           | Sec. 6.4.7                |    |
| Dwelling, Single-Family Attached                       |                  |    |    |           |           |          |     |    | S       | S       | C  | C   |     | C  | C  | C  | C  |    | C  | C         | Sec. 6.4.2<br>Sec. 6.4.31 |    |
| <b>SHORT-TERM RENTAL</b>                               |                  |    |    |           |           |          |     |    |         |         |    |     |     |    |    |    |    |    |    |           |                           |    |
| Short-Term Rental Property: Limited Home Rental (LHR)  |                  |    | C  | C         | C         | C        | C   | C  | C       | C       | C  | C   |     |    |    |    |    |    |    |           | Art. 6.8                  |    |
| Short-Term Rental Property: Extended Home Rental (EHR) |                  |    |    |           | S         | S        |     | S  | S       |         | S  |     |     |    |    |    |    |    |    |           | Art. 6.8                  |    |
| <b>SINGLE-FAMILY DWELLING</b>                          |                  |    |    |           |           |          |     |    |         |         |    |     |     |    |    |    |    |    |    |           |                           |    |
| Dwelling Unit, Single-Family Detached                  | C                | A  | A  | A         | A         | A        | A   | A  | A       | A       | A  | A   | C   |    | C  | C  | C  | C  | C  | C         | Sec. 6.4.25               |    |
| <b>OTHER RESIDENTIAL USES</b>                          |                  |    |    |           |           |          |     |    |         |         |    |     |     |    |    |    |    |    |    |           |                           |    |
| Transitional Housing                                   |                  |    |    |           |           |          |     |    |         |         | S  |     |     | A  | S  | S  | S  |    | A  |           |                           |    |
| Child Caring Institution                               |                  |    | S  | S         | S         | S        | S   | S  | S       | S       | S  | S   |     |    |    |    |    |    |    |           |                           |    |
| Emergency Shelter                                      |                  |    |    |           |           |          |     |    |         | C       | A  | C   |     | C  | A  | A  |    | A  | C  | A         | Sec. 6.4.38               |    |
| Affordable and Workforce Dwelling Unit                 |                  |    |    | C         | C         | C        | C   | C  | C       | C       | C  | C   |     | C  | C  | C  | C  | C  | C  | C         | Sec. 6.4.19               |    |
| Group Residential                                      |                  |    | S  | S         | S         | S        | S   | S  |         | S       | S  |     |     |    |    |    |    |    |    |           |                           |    |
| Farm Labor Housing                                     |                  |    | S  | S         | S         | S        | S   |    |         |         |    |     |     |    |    |    |    |    |    |           | Sec. 6.4.9                |    |
| <b>CIVIC/INSTITUTIONAL</b>                             |                  |    |    |           |           |          |     |    |         |         |    |     |     |    |    |    |    |    |    |           |                           |    |
| <b>COURTS AND PUBLIC SAFETY</b>                        |                  |    |    |           |           |          |     |    |         |         |    |     |     |    |    |    |    |    |    |           |                           |    |
| Courts of Law  |                  |    | A  | A         | A         | A        | A   | A  | A       | A       | A  | A   |     | A  | A  | A  | A  | A  | A  | A         |                           |    |
| Correctional Institution                               |                  |    |    |           |           |          |     |    |         |         |    |     |     |    |    |    |    |    |    |           | A                         |    |
| Parole Office or Probation Office                      |                  |    |    |           |           |          |     |    |         |         |    |     |     | A  |    |    |    |    |    |           | A                         |    |
| Safety Service   |                  |    | A  | A         | A         | A        | A   | A  | A       | A       | A  | S   | A   | A  | A  | A  | A  | A  | A  | A         | A                         |    |
| <b>DAY CARE SERVICES</b>                               |                  |    |    |           |           |          |     |    |         |         |    |     |     |    |    |    |    |    |    |           |                           |    |
| Adult Day Care Services                                |                  |    | S  | S         | S         | S        | S   | S  | S       | S       | S  | S   |     | A  | S  | S  | A  | A  | A  | A         |                           |    |
| Family Home  |                  |    | C  | C         | C         | C        | C   | C  | C       | C       | C  | C   | C   | C  | C  | C  | C  | C  | C  | C         | Sec. 6.4.29               |    |
| Group Home   |                  |    | A  | A         | A         | A        | A   | A  | A       | A       | A  | A   | A   | A  | A  | A  | A  | A  | A  | A         |                           |    |
| Child Care Center                                      |                  |    |    |           |           |          |     |    | S       | S       | S  | S   |     | A  | A  | A  | A  | A  | A  | A         |                           |    |
| Day Camp   |                  |    |    |           |           |          |     |    |         |         |    |     |     | A  |    | A  | A  | A  | A  | A         |                           |    |





A Zoning Permit shall be required prior to commencing Special Events and shall be maintained for the duration of the Special Events use, following Site Plan Review and Special Exception approval, as applicable. Additionally, a valid, Charleston County Business License is required following Zoning Permit approval.

### Sec. 6.7.8 Lapse of Approval

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A valid Charleston County Business License must be maintained for a principal Special Events use. If this Business License is not renewed annually or is discontinued, for any reason, for a period of at least six consecutive months, then the use shall be considered abandoned. Once abandoned, the Special Exception approval and the Zoning Permit for the Special Events use shall be deemed null and void. Renewal of the Special Events use shall require the approval of the Board of Zoning Appeals (BZA) and compliance with the regulations of this Ordinance.

## ARTICLE 6.8 SHORT-TERM RENTALS

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### Sec. 6.8.1 Purpose and Applicability

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- A. **Purpose.** The County is committed to working to protect the traditional quality of life and character of its residential neighborhoods. The County has concerns about permitted Short-Term Rentals resulting in increased traffic, noise, trash, parking needs, safety and possible adverse impacts and other undesirable changes to the nature of the County's neighborhoods. Therefore, after providing many opportunities for public input and following careful study and consideration, County Council finds it appropriate and in the best interests of its residents, property owners, and visitors to regulate Short-Term Rental Properties (STRPs) within unincorporated Charleston County.

This Article sets out standards for establishing and operating Short-Term Rental Properties. These regulations are intended to provide for an efficient use of Dwellings as STRPs by:

1. Providing for an annual permitting process to regulate STRPs;
2. Balancing the interests of properties that are frequently used in whole or in part by Short-Term Rental Tenants;
3. Allowing homeowners to continue to utilize their residences in the manner permitted by this Ordinance for the Zoning District in which a particular Dwelling is located;
4. Providing alternative accommodation options for lodging in residential Dwelling Units; and
5. Complementing the accommodation options in environments that are desirable and suitable as a means for growing tourism.

B. **Applicability.**

1. *Short-Term Rental Types.* The following Short-Term Rentals shall be authorized pursuant to this Article:
  - a. STRP, *Limited Home Rental (LHR)*;
  - b. STRP, *Extended Home Rental (EHR)*; and
  - c. STRP, *Commercial Guest House (CGH)*.
2. *Applicable Zoning Districts.* STRPs shall be allowed within the Zoning Districts of this Ordinance in accordance with Table 6.1.1, *Use Table*, applicable Overlay Zoning District Regulations, and as approved in Planned Development Zoning Districts. Planned Development Zoning Districts that do not specify STRPs as an allowed use must be amended to allow STRPs.
3. *Application.* Applications for STRPs shall be made in compliance with this Article.
4. *Variations.* Variations from the requirements of Sec. 6.8.3.A, *Use Limitations and Standards*, are prohibited.

- C. **Registration.** All STRPs require a Zoning Permit and Business License, which must be renewed annually pursuant to this Article.

- D. **Compliance with Other Regulations.** All STRPs, including Nonconforming Uses as allowed for in this Article, shall comply with all applicable local, state, and federal rules and regulations.

Effective on: 10/27/2017, as amended





## Sec. 6.8.2 Permitting Processes

- A. **Zoning Permit Application.** No application for a STRP shall be accepted as complete unless it includes the required fee and the information listed below.
1. The name, address, email, and telephone number of all property owners of the Short-Term Rental Property (STRP).
  2. Completed STRP application signed by all current property owner(s). For properties owned by corporations or partnerships, the applicant must submit a resolution of the corporation or partnership authorizing and granting the applicant signing and authority to act and conduct business on behalf of and bind the corporation or partnership.
  3. Restricted Covenants Affidavit(s) signed by the applicant or current property owner(s) in compliance with state law.
  4. Address and Property Identification Number of the property on which the STRP is located.
  5. The type of STRP that is the subject of the application (LHR, EHR, or CGH);
  6. Owner-Occupied STRP affidavit, as applicable;
  7. The type of Dwelling(s) that is proposed to be used as a STRP including, but not limited to, Principal Dwelling Unit, 6.5.9, Single Family Detached, Duplex, Single Family Attached, Manufactured Housing Unit not located in a Manufactured Housing Park, Triplex, and/or Fourplex, and documentation of Zoning Permit and Building Permit approvals for the structures, as applicable. Tents, RVs, boats, sheds, garages, and similar structures shall not be used as STRPs; and
  8. The maximum number of bedrooms available at the STRP.
- B. **Short-Term Rental Property Site Plan Review Categories.** Notwithstanding the provisions of Art. 3.7, *Site Plan Review*, or this Ordinance, STRPs must complete Site Plan Review as prescribed in this Section based on the Permitting Process provided in Table 6.8.2 prior to obtaining a STRP Zoning Permit. The Building Inspection Services Department may require a building safety inspection and/or Building Permit as a condition of the STRP Site Plan Review approval.
1. *STRP, Administrative Site Plan Review.* Requires a Zoning Permit application, fee, aerial photographs, and photographs of the property. At the discretion of the Zoning and Planning Director, a site plan drawn to engineer's scale depicting existing and proposed conditions, including required parking, shall be submitted, and site visits by Zoning and Planning Staff may be required.
  2. *STRP, Limited Site Plan Review.* Requires a Limited Site Plan Review application and fee and must include a site plan drawn to engineer's scale depicting existing and proposed conditions, including required parking.
  3. *STRP, Full Site Plan Review.* Requires compliance with the requirements of Art. 3.7, *Site Plan Review*, of this Ordinance.
- C. **Special Exception.** Notwithstanding the provisions of Art. 3.6, *Special Exceptions*, of this Ordinance, the following approval criteria shall apply to STRPs in place of those contained in Sec. 3.6.5 of this Ordinance if a Special Exception is required to obtain a STRP Zoning Permit based on the Permitting Process provided in Table 6.8.2 of this Article:
1. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community; and
  2. Adequate provision is made and/or exists for such items as: Setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed STRP use, such as noise, traffic congestion, trash, parking, and similar factors; and
  3. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, and applicable STRP Site Plan Review requirements of this Ordinance.
- All other provisions and requirements of Art. 3.6, *Special Exceptions*, shall apply.
- D. **Zoning Permit Issuance and Business Licenses.** After a STRP Application has been approved, a STRP Zoning Permit and a Business License must be obtained prior to a property owner offering, advertising, or providing Short-Term Rental Properties for lodging as provided for in this Article.





**E. Annual Zoning Permit Renewal.**

1. All STRP Zoning Permits must be renewed annually in compliance with this Article. An application for annual renewal of the Zoning Permit must include:
  - a. The application fee;
  - b. A notarized affidavit signed by the Property owner stating that the type of STRP use and the information submitted as part of the application for the previous year’s STRP Zoning Permit has not changed in any manner whatsoever and that the STRP use complies with the most recently adopted version of this Article (form of Affidavit provided by the County);. and
  - c. Owner-Occupied STRP affidavit, as applicable.
2. The Zoning and Planning Director may request STRP records including days the STRP was rented, STRP advertising records, STRP rental income, and STRP rental receipts. The records shall be provided to the Zoning and Planning Director within 10 working days from the date requested; otherwise, the STRP Zoning Permit will be denied.
3. The applicant shall file an application for a new STRP Zoning Permit if the aforementioned requirements are not met.
4. If the Zoning and Planning Director determines that the STRP use is not consistent with the Special Exception approval that authorizes the use and/or Site Plan Review approval that authorizes the use, the applicant shall file an application for a new STRP Zoning Permit, including applicable Special Exception and/or Site Plan Review applications and fees, and all requirements in effect at the time of STRP Zoning Permit application submittal shall apply.
5. The owners of all registered STRPs must renew the Zoning Permit for the STRP use by December 31st of each year or their existing Zoning Permit will expire. The Zoning Permit for the STRP use will terminate on December 31st of each year regardless of whether or not the applicant receives notice from the Zoning and Planning Director.

**Table 6.8.2, Permitting Process for STRPs [1]**

|   | Limited Home Rental (LHR) [1]  | Extended Home Rental (EHR) [2]                               | Commercial Guest House (CGH) [1][2] |
|---|--|--|-------------------------------------|
| <b>Applicable Zoning Districts</b>  | RM, AG-15, AG-10, AG-8, AGR, RR, S-3, R-4, MHS, and UR (including Goat Island)                         | AG-8 [3], AGR [3], S-3, R-4, and MHS (including Goat Island) | RO, GO, NC, RC, and CC              |
| <b>Owner-Occupancy Requirements</b>   | Must comply with the Owner-Occupied Short-Term Rental Property definition contained in this Ordinance. | None   | None                                |
| <b>Maximum Number of Days STRPs May be Rented (note: days apply per Lot and not per Dwelling)</b> | 72 days in the aggregate per calendar year   | 144 days in the aggregate per calendar year                  | No Limit                            |
| <b>Zoning Review Type</b>   | STRP, Administrative Site Plan Review  | STRP, Limited Site Plan Review, and Special Exception        | STRP, Full Site Plan Review [2]     |





**Table Notes:**

1. The following shall apply to all STRP types:
  - a. A STRP Zoning Permit is required and the STRP Zoning Permit Number for the current year must be visible on all advertisements. Zoning Permits must be renewed annually pursuant to this Article.
  - b. A Business License is required and the Business License Number for the current year must be visible on all advertisements. Business Licenses must be renewed annually.
  - c. Building safety inspection or Building Permit may be required, as determined by the Charleston County Building Inspection Services Department.
2. If a proposed STRP is located in an Office or Commercial Zoning District and contains a Residential use, STRP, Limited Site Plan Review shall apply instead of STRP, Full Site Plan Review.
3. EHRs shall be allowed in the AGR and AG-8 Zoning Districts subject to Special Exception approval if they are Bona Fide Agricultural Uses and the owner of record: (1) has designated the subject property as his/her legal voting address; or (2) has designated the subject property as the address on his/her driver's license or other government issued identification.

**Sec. 6.8.3 General Standards**

- A. **Use Limitations and Standards.**
  1. Legally permitted Principal Dwelling Units and Accessory Dwelling Units may be used as STRPs, even when they are located on the same property; however, Accessory Structures shall not be used as STRPs.
  2. Parking for Short-Term Rental Tenants shall be in compliance with Sec. 9.2.2, *Off-Street Parking Schedule A*, of this Ordinance.
  3. Signage advertising STRPs is prohibited in Residential Zoning Districts.
  4. Dwellings located in Dwelling Groups shall not be used as Short-Term Rental Properties, regardless of the Zoning District in which the Subject Property is located.
- B. **Advertising.** Whether by a hosting platform, via Internet or paid advertising, or other postings, advertisements, or announcements, the availability of a STRP shall include the County issued STRP Zoning Permit Number and Business License Number for the current year.
- C. **Special Events.** The applicable requirements of Article 6.7, *Special Event Use*, of this Ordinance apply.
- D. **Short-Term Rental Property Tenant Notices.** Each STRP must contain a Short-Term Rental Tenant notice posted in each room where Short-Term Rental Tenants may lodge. The notice must provide the following information:
  1. Contact information for the owner of the STRP;
  2. STRP Zoning Permit and Business License Numbers for the current year;
  3. Trash collection location and schedules, if applicable; and
  4. Fire and Emergency evacuation routes.

Effective on: 11/8/2017, as amended

**Sec. 6.8.4 Enforcement and Violations**

- A. Notwithstanding the provisions of CHAPTER 11, *Violations, Penalties, and Enforcement*, of this Ordinance, a STRP Zoning Permit may be administratively revoked by the Zoning and Planning Director or his designee if the STRP has violated the provisions of this Article on three or more occasions within a 12-month period. However, a STRP Zoning Permit may be immediately revoked if the Zoning and Planning Director determines the STRP has Building Code violations, there is no current Business License for the property, the property is being used in a manner not consistent with the Zoning Permit issued for the STRP use, or the advertisement for the STRP does not include the County issued STRP Zoning Permit Number and Business License Number for the current year.
- B. If a STRP Zoning Permit is administratively revoked or an application for a STRP Zoning Permit is administratively denied, a STRP owner (or authorized agent) may appeal the Zoning and Planning Director's administrative decision revoking or denying the STRP Zoning Permit to the Board of Zoning Appeals within 30 calendar days from the date of the denial or revocation. All appeals shall be addressed in accordance with the appeal procedures of CHAPTER 3, Article 3.13, of this Ordinance.





- C. Once a County-issued STRP Zoning Permit and/or a Business License has been revoked, no new STRP Zoning Permit and/or Business License shall be issued to the applicant for the same property for a period of one year from the date of revocation. Upon expiration of the revocation period, a new STRP Zoning Permit application may be filed and all requirements, processes, and fees in effect at the time of the STRP Zoning Permit application submittal shall apply.

Effective on: 10/26/2017, as amended

### **Sec. 6.8.5 Amortization of Nonconforming STRPs**

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The South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended (Planning Act) authorizes local governments to terminate a nonconformity by specifying the period or periods in which the nonconformity is required to cease or be brought into compliance pursuant to S.C. Code Ann. Section 6-29-730 (2007).

Therefore, if a Dwelling was legally used as a STRP prior to July 24, 2018, the Dwelling may continue as a Nonconforming Use pursuant to CHAPTER 10, Nonconformities, of this Ordinance until July 24, 2023 to allow for the recovery or amortization of the investment in the Nonconforming Use, after which the Nonconforming Use as a STRP shall terminate.

During the amortization period, all Nonconforming STRPs must comply with all other requirements of this Article as is reasonably possible, including but not limited to, making an application for a Short-Term Rental Permit. Exceptions will be made for restrictions on maximum number of rental days, special exceptions use conditions, owner occupancy status, or use subject to conditions.

Not less than 60 days before the end of the amortization period, the owner of the Dwelling may request a special exception to the amortization period. All requests shall be made to Board of Zoning Appeals in writing, and all decisions shall be subject to the provisions of Art. 3.6 of the ZLDR except for Art. 3.6.1 and Art. 3.6.5.

The Board of Zoning Appeals may grant an extension of the time of the amortization period if the owner of the Nonconforming STRP proves that he is unable to recoup his investment in such property by the conclusion of the amortization period.

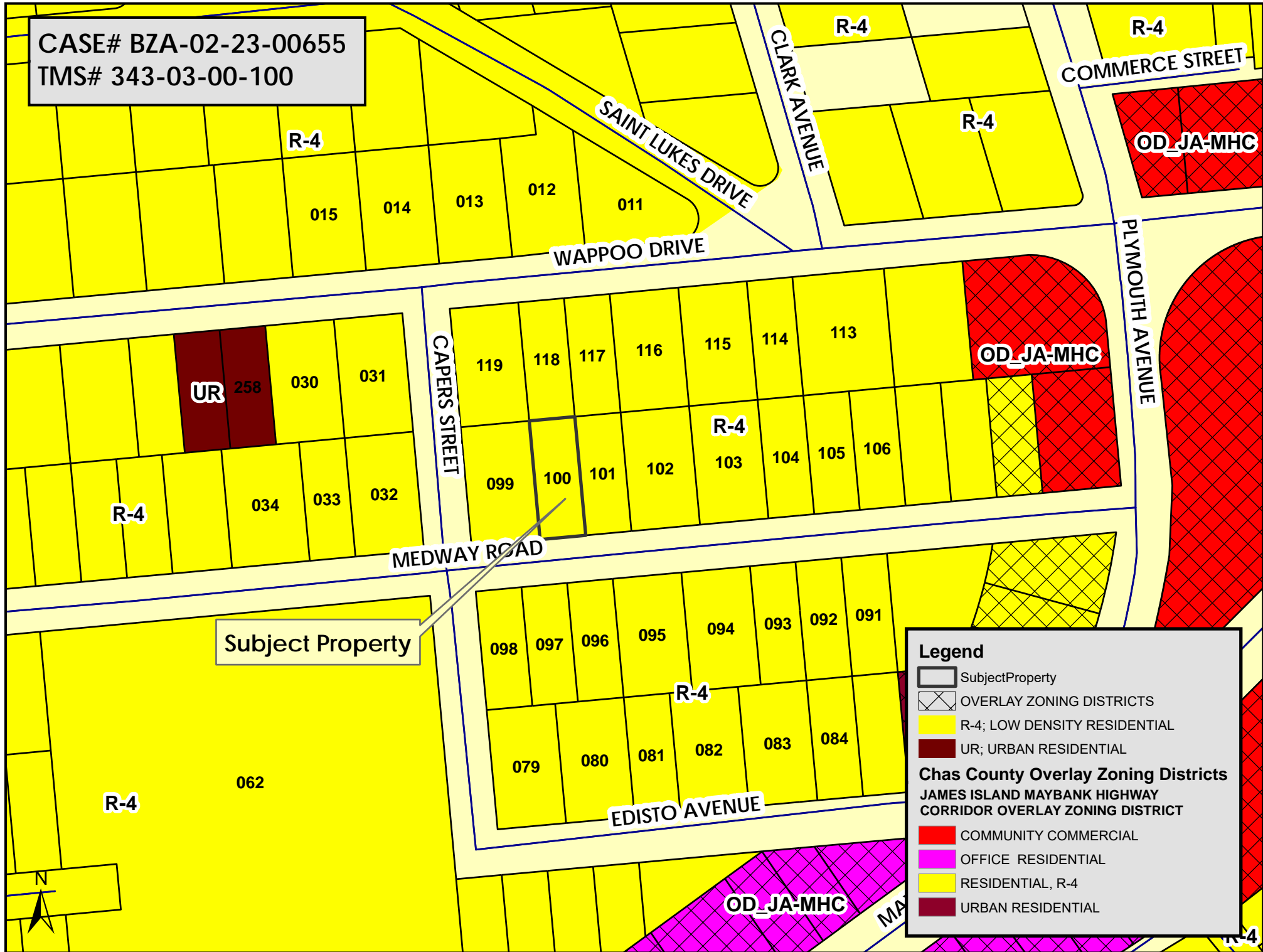
**Criteria and Findings.** In determining whether to grant an extension of the amortization period for a Nonconforming STRP, and in determining the appropriate length of such an extension, the Board of Zoning Appeals shall consider the following factors:

- A. The gross income and expenses from the Nonconforming STRP since the use began;
- B. The amount of the property owner's investment in the Nonconforming STRP prior to July 24, 2018;
- C. The amount of such investment that has been or will have been realized at the conclusion of the five-year amortization period;
- D. The present actual and depreciated value of the property and improvements;
- E. The applicable Internal Revenue Service depreciation schedule;
- F. The total length of time the Nonconforming Use has existed;
- G. The existence or nonexistence of lease obligations, as well as any contingency clauses permitting termination of such lease;
- H. The remaining value and allowed uses of the property after discontinuing the Nonconforming Use;
- I. The ability of the property owner to change the use to a conforming use;
- J. The effects of the Nonconforming Use on the surrounding area;
- K. The extent to which the Nonconforming Use is incompatible with surrounding uses and properties;
- L. The interference with or threat to the public health, safety, and welfare of the community; and
- M. Any other factor the Board of Zoning Appeals reasonably determines is related to determining whether the investment in the Nonconforming Use has been recovered.

The Board of Zoning Appeals shall receive and consider evidence presented by the Applicant, and shall make findings that the amortization period it establishes is reasonable in view of the evidence and the criteria set forth above.



CASE# BZA-02-23-00655  
TMS# 343-03-00-100



UR

Subject Property

**Legend**

- SubjectProperty
- OVERLAY ZONING DISTRICTS
- R-4; LOW DENSITY RESIDENTIAL
- UR; URBAN RESIDENTIAL

**Chas County Overlay Zoning Districts**  
JAMES ISLAND MAYBANK HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT

- COMMUNITY COMMERCIAL
- OFFICE RESIDENTIAL
- RESIDENTIAL, R-4
- URBAN RESIDENTIAL



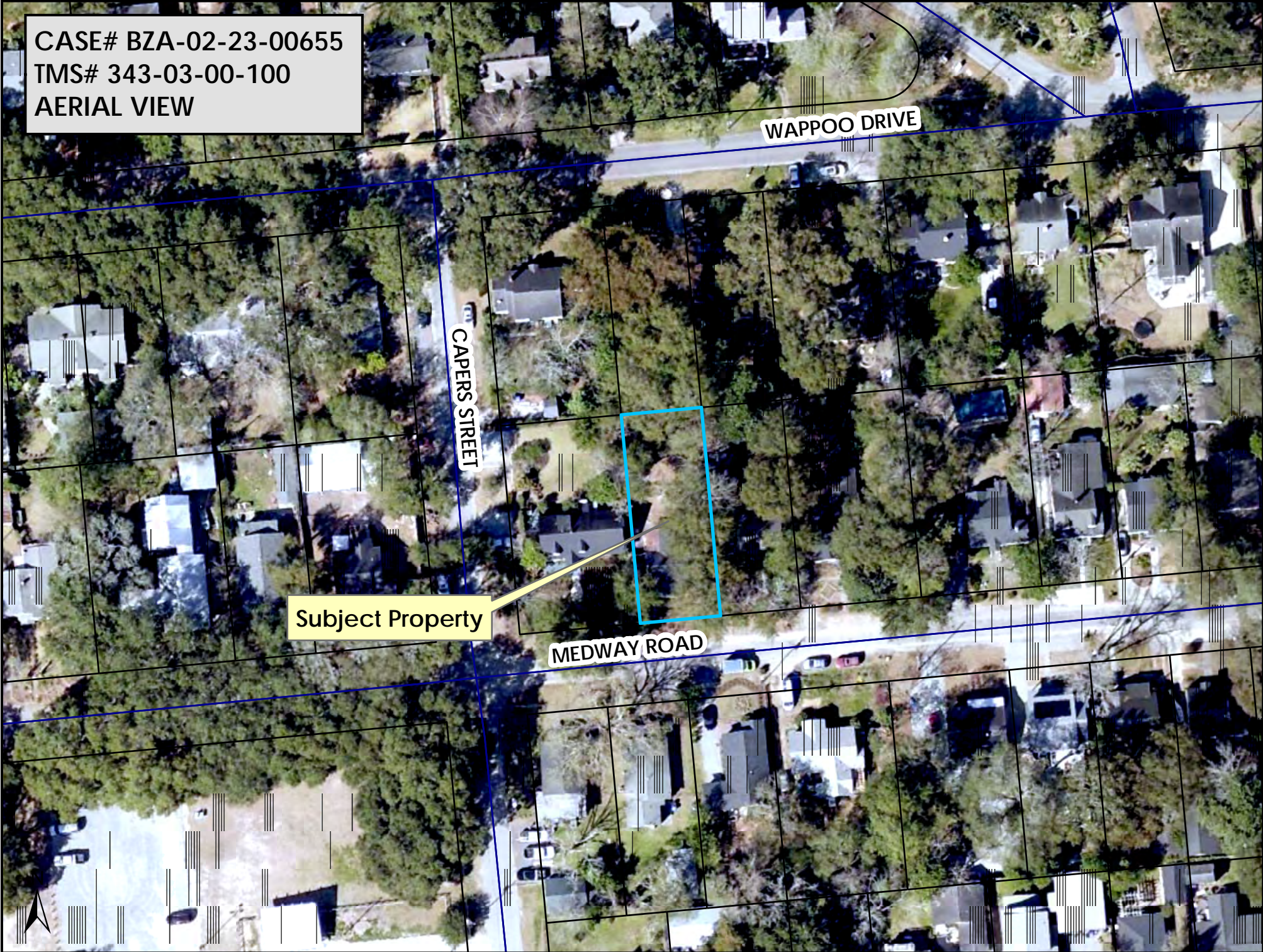
CASE# BZA-02-23-00655  
TMS# 343-03-00-100  
AERIAL VIEW

WAPPOO DRIVE

CAPERS STREET

Subject Property

MEDWAY ROAD



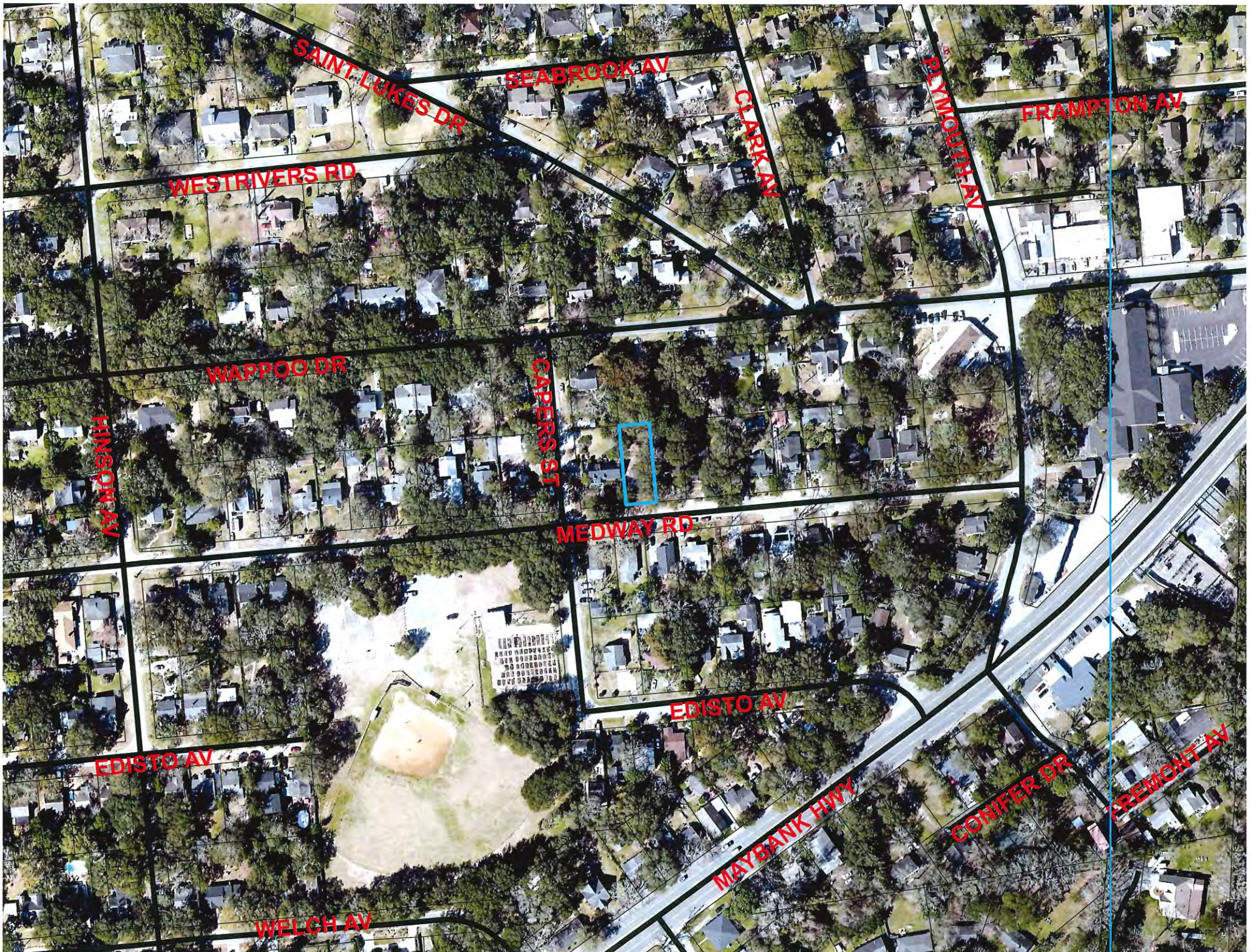




CAPERS ST

MEDWAY RD





SAINT LUKES DR

SEABROOK AV

CLARK AV

PLYMOUTH AV

FRAMPTON AV

WESTRIVERS RD

WAPPOO DR

CAPERS ST

MEDWAY RD

HINSON AV

EDISTO AV

EDISTO AV

MAYBANK HWY

CONIFER DR

FREMONT AV

WELCH AV



Case # BZA-02-23-00655

BZA Meeting of April 3, 2023

Subject Property: 2064 Medway Road – James Island

Proposal: Special Exception request to establish a Short-Term Rental Property, Extended Home Rental (EHR) in the Low Density Residential (R-4) Zoning District.





# Subject Property

## Single Family Residence and Parking





# Adjacent Properties





# Medway Road





**Staff Review:**

The applicant and property owner, Abigail E. McClam, is requesting a Special Exception to establish a Short-Term Rental Property, Extended Home Rental (EHR) in the Low Density Residential (R-4) Zoning District at 2064 Medway Road (TMS # 343-03-00-100) on James Island in Charleston County. The subject properties and all surrounding properties are located in Low Density Residential (R-4) Zoning District.

The property contains a single-family residence with three (2) bedrooms that was constructed in 1937 per Charleston County records. The applicant would like to rent the two-bedrooms in the single-family residence. They have provided 4 parking spaces.

The applicant's letter of intent explains, "I am applying for a special exception application for short-term rental/extended home rental."

Please note that if the BZA approves this request, they may restrict the number of days the Short-Term Rental Property (STRP) may be rented in aggregate during any calendar year.

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 6 Use Regulations, Article 6.1 Use Types and Use Table, Sec. 6.1.3 Special Exception Uses states, "An "S" indicates that a use type is allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions and all other applicable regulations of this Ordinance." Sec. 6.1.6 Table 6.1-1 Use Table indicates that Short-Term Rentals, Extended Home Rental (EHR) in the Low Density Residential (R-4) Zoning District is a use type allowed only if it complies with use-specific conditions of (Article 6.8 Short-Term Rentals) all other applicable regulations of this Ordinance and is approved by the BZA as a Special Exception.

Staff conducted a site visit on March 14, 2023. Please review the attachments for further details regarding this request.

**Article 6.8 Short-Term Rentals, Sec. 6.8.2 Permitting Processes, C. Special Exception:** Notwithstanding the provisions of Art. 3.6, Special Exceptions, of this Ordinance, the following approval criteria shall apply to STRPS in place of those contained in Sec. 3.6.5 of this Ordinance if a Special Exception is required to obtain a STRP Zoning Permit based on the Permitting Process provided in Table 6.8.2 of this Article:

§6.8.2C.(1): *Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;*

Response: **The applicant's letter of intent states, "This is a two bedroom one and half bath cottage. It will only be rented to small families or no more than four adults. It will house similar interest guests who are to take care of the home as I would as the owner. I only allow individuals who are coming to visit Charleston that are not here for house parties events etc. within the home, limits on cars, and use of outdoor spaces. The community/neighbors are not adversely affected and are aware of the short-term use that has taken place without complaint." Therefore, the request may meet this criterion.**



§6.8.2C.(2): Adequate provision is made and/or exists for such items as: Setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed STRP use, such as noise, traffic congestion, trash, parking, and similar factors; and

Response: **The applicant's letter of intent states, "Adequate fences exist on the property. With a 6-foot privacy fence surrounding the property, gated entrance to back yard, landscaped garden in front yard, designated gravel driveway for off-street parking, trash/recycle area off street." Therefore, the request may meet this criterion.**

§6.8.2C.(3): Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, and applicable STRP Site Plan Review requirements of this Ordinance.

Response: **The applicant is currently in the STRP, Limited Site Plan Review process to ensure the property is in compliance with the applicable requirements of this Ordinance and to coordinate with other pertinent regulatory agencies including Revenue Collections (Business License) and Building Inspection Services. In addition, the applicant's letter of intent states, "The site will not have any additional changes made to the property, follows the regulations, and has met the STRP Site Plan Review requirements from water, sewer, land use, trash collection etc." Therefore, the request may meet this criterion.**

All other provisions and requirements of Art. 3.6, Special Exceptions, shall apply.

#### **Board of Zoning Appeals' Action:**

According to Article 3.6 Special Exceptions, Sec. 3.6.5B. of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), "In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed Building or Structure 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."

The Board of Zoning Appeals may approve, approve with conditions or deny Case # BZA-02-23-00655 [Special Exception request to establish a Short-Term Rental Property, Extended Home Rental (EHR) in the Low Density Residential (R-4) Zoning District at 2064 Medway Road (TMS # 343-03-00-100) on James Island in Charleston County], based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision. **The Board may modify any of Staff's recommended conditions below, including but not limited to restricting the number of days the STR may be rented.** In the event the Board decides to approve the application, the Board should consider the following conditions recommended by Staff:

- 1. Prior to zoning permit approval, the applicant shall complete the STRP, Limited Site Plan Review process.**
- 2. The use shall comply with all requirements of Article 6.8.**



3. **This property shall not be used as a Short-Term Rental for more than 144 days in aggregate during any calendar year.**
4. **The property owner shall be responsible for ensuring that tenants comply with the Charleston County Noise Ordinance.**





**SPECIAL EXCEPTION APPLICATION FOR SHORT-TERM RENTAL, EXTENDED HOME RENTAL  
Charleston County Board of Zoning Appeals (BZA)**

|  |                 |                                       |                   |
|--|-----------------|---------------------------------------|-------------------|
| <b>Property Information</b>  |                 |                                       |                   |
| Subject Property Address:  |                 | 2064 Medway Road, Charleston SC 29412 |                   |
| Tax Map Number(s):   |                 | TMS #: 343-03-00-100                  |                   |
| Current Use of Property:   |                 | Primary Residence                     |                   |
| Proposed Use of Property:  |                 | STR Extended Home Rental              |                   |
| <b>Applicant Information (Required)</b>  |                 |                                       |                   |
| Applicant Name (please print):   |                 | Abigail E. McClam                     |                   |
| Name of Company (if applicable):   |                 |                                       |                   |
| Mailing Address:   |                 | 2064 Medway Road                      |                   |
| City:  | Charleston      | State:                                | SC                |
| Zip Code:  |                 | 29412                                 |                   |
| Email Address:   |                 | abigailmcclam@icloud.com              |                   |
| Phone #:   |                 | 803-727-3274                          |                   |
| Applicant Signature:   |                 |                                       |                   |
| Date:  |                 | 2/6/2023                              |                   |
| <b>Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)</b>                      |                 |                                       |                   |
| Print Representative Name and Name of Company:   |                 |                                       |                   |
| Mailing Address:   |                 |                                       |                   |
| City:  |                 | State:                                |                   |
| Zip Code:  |                 |                                       |                   |
| Email Address:   |                 | Phone #:                              |                   |
| <b>Designation of Agent (Complete only if the Applicant listed above is not the Property Owner.)</b>                             |                 |                                       |                   |
| I hereby appoint the person named as Applicant and/or Representative as my (our) agent to represent me (us) in this application. |                 |                                       |                   |
| Property Owner(s) Name(s) (please print):  |                 |                                       |                   |
| Name of Company (if applicable, LLC etc.):   |                 |                                       |                   |
| Property Owner(s) Mailing Address:   |                 |                                       |                   |
| City:  |                 | State:                                |                   |
| Zip Code:  |                 | Phone #:                              |                   |
| Property Owner(s) Email Address:   |                 |                                       |                   |
| Property Owner(s) Signature:   |                 | Date:                                 |                   |
| <b>FOR OFFICE USE ONLY:</b>  |                 |                                       |                   |
| Zoning District:   | R-4             | Flood Zone:                           | X (513F)          |
| Date Filed:  | 2/17/23         | Fee Paid:                             | \$250 credit used |
| Application #:   | BZA-02-23-00655 | TMS #:                                | 343-03-00-100     |
| Staff Initials:  |                 | jju                                   |                   |



## **Description of Request**

*Please describe your proposal in detail. You may attach a separate sheet if necessary. Additionally, you may provide any supporting materials that are applicable to your request (photographs, letter of support, etc.)*

I am applying for a special exception application for shor term rental / extended home rental.

## **Applicant's response to Article 6.8 Short-Term Rentals, §6.8.2 Operating Standards and Requirements, C. Special Exception**

**Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use meets all 3 of the approval criteria. In evaluating your request, the members of the board will review the answers below as a part of the case record. You may attach a separate sheet if necessary.**

1. Describe how the proposed use is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community.

This is a two bed room one and half bath cotttage. It will only be rented to small families or no more than four adults. It will house similar interest guests who are to take care of the home as I would as the owner. I only allow individuals who are coming to visit charleston that are not here for house parties events etc. within the home, limits on cars, and use of outdoor spaces. The community / neighbors are not adversely affected and are aware of the short term use that has taken place with out complaint.

2. Describe what adequate provisions are being made and/or exists, for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed STRP use, such as noise, traffic congestion, trash, parking, and similar factors.

Adequate fences exist on the property. With a 6 foot privacy fence surrounding the property, gated entrance to back yard, landscaped garden in front yard, designated gravel driveway for off street parking, trash/recycle area off street.

3. Explain how the proposed use complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, and applicable STRP Site Plan Review requirements of this Ordinance.

The site will not have any additional changes made to the property, follows the regulations, and has met the STRP Site Plan Review requirements from water, sewer, land use, trash collection etc.



### Short-Term Rental Property Zoning Permit Application

Type of Short-Term Rental: Limited Home Rental   
Extended Home Rental   
Commercial Guest House

#### Owner Information

First Name: Abigail Last Name: McClam  
Mailing Address: 2064 Medway Rd.  
Home/Cell Phone: 803-727-3274  
Email Address: abigailmcclam@icloud.com

#### Applicant Information (if not being submitted by owner)

First Name: Last Name:  
Mailing Address:  
Home/Cell Phone:  
Email Address:

#### Short-Term Rental Property Information

Address: 2064 Medway Rd. Charleston, SC 29412  
TMS #: 343-03-00100  
Zoning: R2

Type of Dwelling Unit to be used as a Short Term Rental (e.g. single-family home, principal dwelling unit, accessory dwelling unit etc):  
Single family home

Maximum Number of Bedrooms to be used for Short-Term Rentals (Note: The use of 5 or more bedrooms for Short-Term Rental purposes may result in the application of building code requirements. Please speak to the Building Inspections Department regarding any potential building code requirements):

Number of Parking Spaces Provided Onsite (required parking is 1 space per permitted bedroom plus the required parking for the applicable use):

Maximum Number of Guest:

Maximum Number of Nights the Short-Term Rental Property is Proposed to be Rented Per Year :

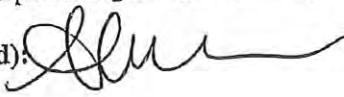
Is the Short-Term Rental Property Owner Occupied (Circle One):  Yes  No



**Notes:**

- After receiving a Zoning Permit for a Short-Term Rental – Limited Home Rental, a **Business License must be obtained** prior to offering, advertising, or providing Short-Term Rental Properties for lodging.
- The advertisement of a Short-Term Rental shall include the County issued Zoning Permit Number and Business License Number.
- Tax Assessments of the property may change due to its partial use as a Short-Term Rental Property. Please contact the County Assessor's Office on 843-958-4100 for further information regarding this.
- Zoning Permits for all Short-Term Rentals must be renewed annually, on or before December 31<sup>st</sup> of each year (see the Short-Term Rental Property zoning requirements contained in the Charleston County Zoning and Land Development Regulations Ordinance for details)..
- The property owner is responsible for contacting the Charleston County Building Services Department (843-202-6930) to ensure the Short-Term Rental Property complies with all Charleston County Building Code requirements. This will include applying for and receiving a Building Safety Permit.
- See the Charleston County Zoning and Land Development Regulations Ordinance for all Short-Term Rental Property Zoning requirements.

By signing this application, I certify that I understand and will comply with the Short-Term Rental Property requirements contained in the Charleston County Zoning and Land Development Regulations Ordinance, and that all required information has been submitted and is accurate.

Property Owner Signature (required): 

Date: 2/16/22

Applicant Signature (if not the owner):

Date:

**OFFICE USE ONLY**

Amount Received \_\_\_\_\_ Cash?  Check?  # \_\_\_\_\_ Invoice Number \_\_\_\_\_

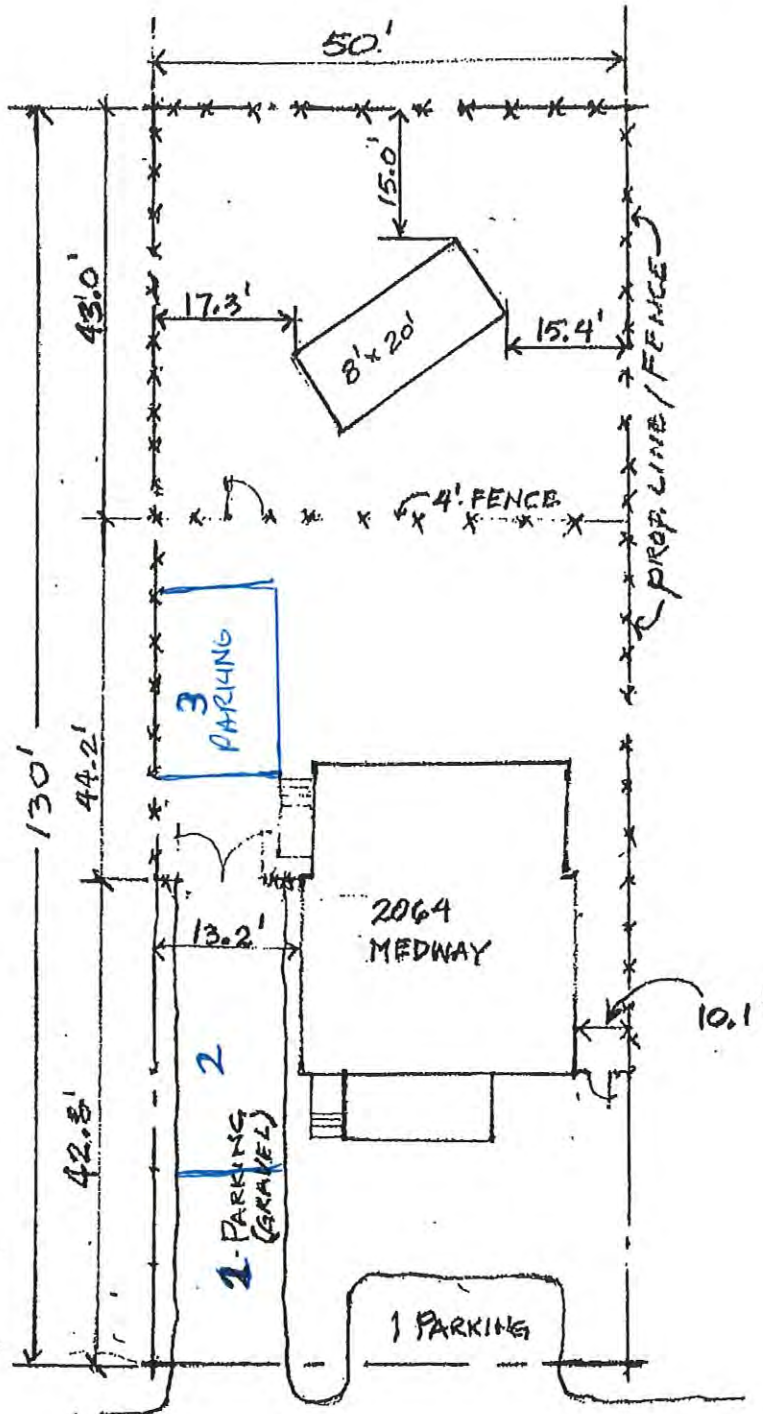
Permit Specialist/Planner's Signature \_\_\_\_\_

Date \_\_\_\_\_

| SHORT-TERM RENTAL ZONING PERMIT APPLICATIONS FEES  |                      |
|--|----------------------|
| <p><b>a. Short-Term Rental Permit: Limited Home Rental (LHR)</b><br/> <i>Note that additional applications, processes, and fees may apply pursuant to the requirements for Short-Term Rentals contained in the Charleston County ZLDR.</i></p>   | \$100.00 Zoning fee. |
| <p><b>b. Short-Term Rental Permit: Extended Home Rental (EHR)</b><br/> <i>Note that in addition to the EHR Zoning Permit application and fee, Site Plan Review and Special Exception applications and required fees must be submitted pursuant to the requirements and processes contained in the ZLDR. Zoning Permits for EHRs will not be issued until/unless the Site Plan Review application is approved and the Board of Zoning Appeals approves the Special Exception application.</i></p> | \$200.00 Zoning Fee. |
| <p><b>c. Short-Term Rental Permit: Commercial Guest House (CGH)</b><br/> <i>Note that in addition to the CGH Zoning Permit application and fee, a Site Plan Review application (with the required fee) must be submitted pursuant to the requirements and processes contained in the ZLDR. Zoning Permits for CHRs will not be issued until/unless the Site Plan Review application is approved.</i></p>   | \$300.00 Zoning Fee. |



# No Site Changes



SITE PLAN: 2064 MEDWAY RD

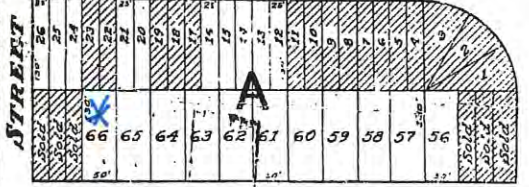
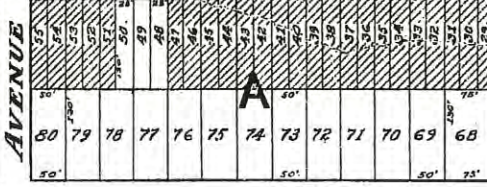
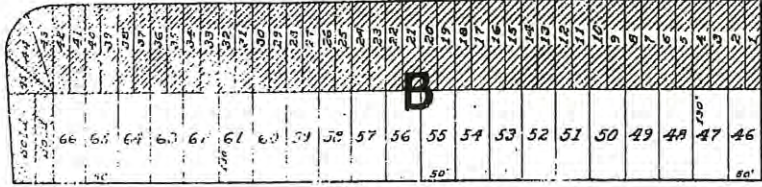


Riverland

Terrace

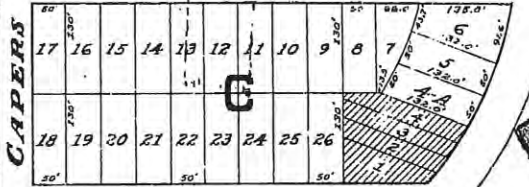
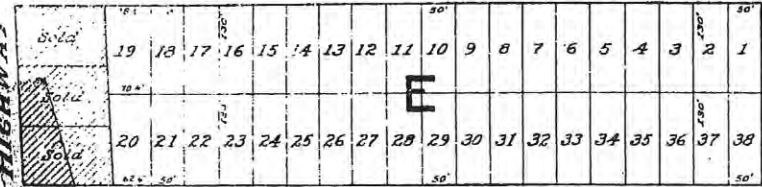
WAPPOO

DRIVE



MEDWAY

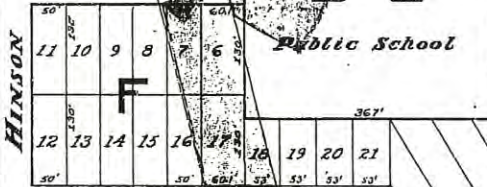
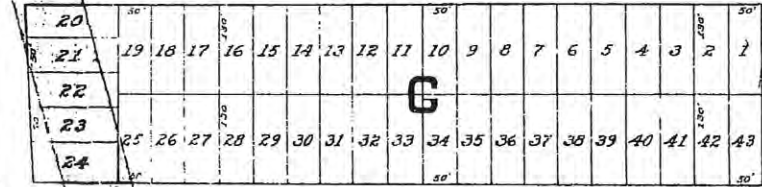
ROAD



EDISTO

AVENUE

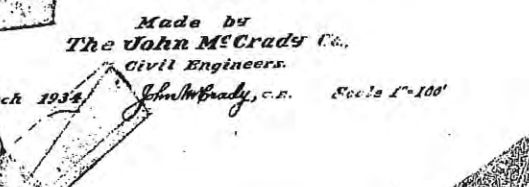
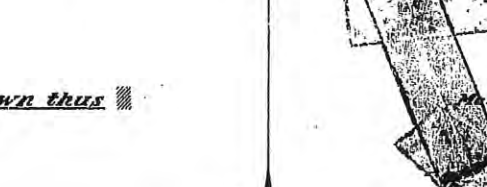
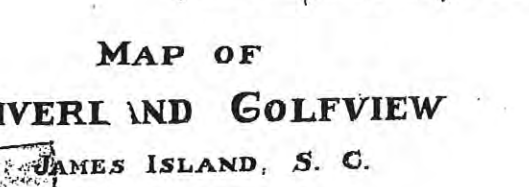
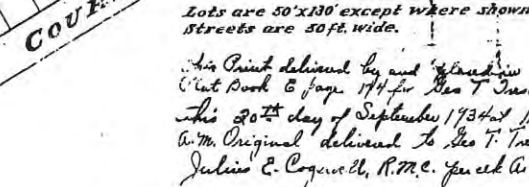
EDISTO AVE.



WELCH

AVENUE

COURSE ROAD



Public School

4 Acre lot

Note:  
 Lots are 50'x130' except where shown otherwise.  
 Streets are 50ft. wide.  
 This Point delivered by and of James  
 West Book Co page 174 for Geo T. Trivett  
 this 30th day of September 1934 at 11:25  
 A.M. Original delivered to Geo T. Trivett  
 Julius E. Coquell, R.M.C. for Geo T. B.

MAP OF  
 RIVERLAND GOLFVIEW

JAMES ISLAND, S. C.

Made by  
 The John McCrady Co.,  
 Civil Engineers.

March 1934 John McCrady, C.E. Scale 1"=100'

Lots sold are shown thus

Municipal

Golf

Course

GOLF

COURSE ROAD

HIGHWAY

HINGS

HINSON

CAPERS STREET

