



Case # BZA-05-22-00579

Charleston County BZA Meeting of July 11, 2022

Applicant/Property Owner: Richard Callari

Property Location: 212 Hickory Street – St. Andrews Area

TMS#: 418-13-00-116

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

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

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

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

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.



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-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MHS	MHP	CI	RO	GO	NC	RC	CC	RI	
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 Sec. 6.4.31
SHORT-TERM RENTAL																					
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	S									Art. 6.8
SINGLE-FAMILY DWELLING																					
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
OTHER RESIDENTIAL USES																					
Transitional Housing											S			A	S	S	S		A		
Child Caring Intuition			S	S	S	S	S	S	S	S	S	S									
Emergency Shelter										C	A	C			C	A	A		A	C	Sec. 6.4.38
Affordable and Workforce Dwelling Unit					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	S										
Farm Labor Housing			S	S	S	S	S	S													Sec. 6.4.9
CIVIC/INSTITUTIONAL																					
COURTS AND PUBLIC SAFETY																					
Courts of Law			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	
DAY CARE SERVICES																					
Adult Day Care Services				S	S	S	S	S	S	S	S	S			A	S	S	A	A	A	
Family Home				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	
Child Care Center									S	S	S	S			A	A	A	A	A	A	
Day Camp															A		A	A	A	A	
DEATH CARE SERVICES																					
Cemetery			A	A	A	A	A	C	C	C	C	C	S		A	A	A	A	A	A	Sec. 6.4.53



If approved by the Board of Zoning Appeals, the approval is only valid for one calendar year from the date of Zoning Permit issuance. 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. Additionally, the Board of Zoning Appeals may require additional conditions of approval including, but not limited to: event days and hours, the number of events per calendar year, limitations on outdoor activities, parking, buffers, and use and location of temporary structures.

If the proposed use is approved by the BZA, the Zoning and Planning Department shall provide written notification to the following agencies, as applicable: S.C. Department of Health and Environmental Control (SCDHEC), Charleston County Sheriff's Department, the Charleston County Building Inspections Department, Charleston County Emergency Medical Services (EMS), and the appropriate Fire Service provider for the subject property.

Sec. 6.7.4 Special Events Established as Principal Uses in Commercial and Industrial Zoning Districts

Special Events in Commercial and Industrial Zoning Districts shall comply with the requirements of Sec. 6.7.5, Outdoor Special Events (Principal Uses and Temporary Special Events), and the following:

- A. The establishment of a new Special Events principal use in the NC, RC, CC, and IN Zoning Districts shall comply with the requirements of Article 3.7, *Site Plan Review*, of this Ordinance.

Sec. 6.7.5 Outdoor Special Events (Principal Uses and Temporary Special Events)

- A. With the exception of Special Events at federal, state, and county parks and legally established fairgrounds, any accessory, outdoor Special Event consistent with the definition of "Special Event," as defined in this Ordinance, must comply with Sec. 6.7.3, *Temporary Special Events*, and a Zoning Permit shall be required.
- B. Any outdoor Special Event activity as defined by this Ordinance, whether an accessory to an existing business, or on vacant undeveloped property, which is located within 500 feet of the property line of a residentially developed Parcel, shall cease all music and all loud noise that is above seventy (70) db(A) no later than 11:00 p.m.; otherwise, this use shall require Special Exception approval consistent with this Article. Distances shall be measured from the site of the Special Event activity on the Subject Property to the nearest property line of a Lot containing a residential use. Noise levels shall be measured anywhere within the boundary line of the nearest residentially occupied property.
- C. All outdoor Special Event activities will be subject to the County's livability and/or noise ordinance.

Sec. 6.7.6 Indoor Special Events

A Zoning Permit shall not be required when hosting an indoor special event in legally established businesses in commercial and industrial Zoning Districts and public facilities or civic facilities such as: Hotels/Motels, convention centers; Social Lodge; assembly halls; religious facilities; fairgrounds; federal, state, and county parks, and similar facilities legally established and authorized to hold Special Events.

Sec. 6.7.7 Zoning Permit

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

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



Sec. 6.8.1 Purpose and Applicability

- 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. *Variances.* Variances 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]
Applicable Zoning Districts	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
Owner-Occupancy Requirements	Must comply with the Owner-Occupied Short-Term Rental Property definition contained in this Ordinance.	None	None
Maximum Number of Days STRPs May be Rented (note: days apply per Lot and not per Dwelling)	72 days in the aggregate per calendar year	144 days in the aggregate per calendar year	No Limit
Zoning Review Type	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

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.



Owner-Occupied Short-Term Rental Property A property with a Dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding Family members) for individual rental terms not exceeding 29 consecutive days for a fee or any form of compensation, and which is occupied by the record owner of the Subject Property who has designated the Subject Property as his/her legal residence subject to the legal assessment ratio according to the records of the County Assessor's Office and who:

- A. Has designated the Subject Property as his/her legal voting address; or
- B. Has designated the Subject Property as the address on his/her driver's license or other government issued identification.

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Paper Mills Factories or plant locations where various pulps in slurry form are mechanically treated, mixed with the proper dyes, additives, and chemicals, and converted into a sheet of paper by the processes of drainage, formation, and drying on a paper machine.

Parcel A designated Parcel, tract, or area of land established by Plat, Subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon and is recorded with the Register of Deeds Office of Charleston County.

Parking Lot An open area providing off-street parking for the Motor Vehicles of residents, tourists, customers, or employees on a temporary, daily, or overnight basis.

Parking Garage A Building where residents, tourists, customers, or employees park their Motor Vehicles on a temporary or daily basis with a service charge or fee being paid to the owner or operator.

Parking, Off-Site The minimum number of Required Parking spaces for the existing or proposed use(s) not on the Parcel for which the use(s) is located.

Parking, On-Site The minimum number of Required Parking for the existing or proposed use(s) on the Parcel for which the use(s) is located.

Parking, Required The minimum number of parking spaces for a specific use(s) as defined in this Ordinance. Required Parking spaces cannot be located within public Right-of-Ways.

Parking, Shared Off-street parking facilities shared by two or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).

Parks and Recreation Parks, playgrounds, Swimming Pools, recreation facilities, and Open Spaces available to the general public, either without a fee or under the management or control of a public agency.

Parole Office or Probation Office An Office for those who supervise parolees or Persons placed on probation by a court in criminal proceedings.

Parties in Interest Any individual, associations, corporations or others who have expressed an interest in writing in an application pending before the Zoning and Planning Department and that has been received by the Zoning and Planning Director.

Passive Recreation Area Areas in and located due to the presence of a particular natural or environmental setting and that may include conservation lands providing for both active and passive types of resource-based outdoor recreation activities that are less formalized or program-oriented than activity-based recreation. Resource-based outdoor recreation means and refers to activities requiring a natural condition such as boating, fishing, camping, nature trails and nature study. Farms are considered as passive Open Space if they are protected from Development by a Conservation Easement.

Paved Streets Those in which the traveled Roadway is constructed of a layer or layers of materials with the surface usually being constructed of Portland cement concrete or asphaltic concrete.

Paved Surface Any area which has been surfaced with bituminous asphalt, concrete, compacted aggregate Base Course, or other alternative paving material of sufficient thickness to accommodate the proposed use.



Self-Service Storage Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity.

Septic Tank Installation, Cleaning or Related Services A service or facility involved in the installation, cleaning, or maintenance of septic tanks or systems.

Service Connection/Utility Service Lateral The portion of pipe which runs from the customer's property line to the main Sewer line, and which receives sewage from the "customer's service line".

Service Station, Gasoline Any premises used primarily for the retail sale of fuel for automobiles, light and medium trucks, motorcycles, Recreational Vehicles, and other consumer Motor Vehicles. A Gasoline Service Stations may include light maintenance such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning, but shall not include heavy vehicle maintenance activities such as engine overhauls, automobile painting, and body fender work. This term may also include the sale of Motor Vehicle accessories, or used tires taken in trade on the premises, but does not include vehicle, moving truck, or trailer sales or rental. A Gasoline Service Station may or may not include a Convenience Store.

Services to Buildings or Dwellings The base of operations for services that provide maintenance to Buildings or Dwellings. This may include the storage of vehicles or materials associated with the service. Services include, but are not limited to, carpet or upholstery cleaning, extermination, or janitorial services.

Setback A required minimum distance from a Lot Line or Street Right-of-Way, ingress/egress Easement, or OCRM Critical Line that establishes an area within which a Structure shall not be erected.

Setback, Front The Setback measured from a Street Right-of-Way or ingress/egress Easement that is used to access a Lot.

Setback, Interior The Setback measured from any Interior Lot Line

Setback, OCRM Critical Line The Setback measured from the Critical Line, as determined by the Office of Ocean and Coastal Resource Management at the time of application.

Setback, Rear The Setback measured from the Rear Lot Line, or if the Rear Lot Line is not located on high ground, the OCRM Critical Line Setback shall apply (See "Setback, OCRM Critical Line" definition)

Setback, Side Any Setback other than a Rear or Front Setback.

Settlement Areas The areas designated as "Settlement Areas" by the adopted Charleston County *Comprehensive Plan*.

Sewage Collection Service Line A non-lateral line connecting Development to a Sewage Collector or Trunk Line.

Sewage Collector or Trunk Line A public or private Sewer to which Building Sewers are connected and which conducts sewerage to an interceptor.

Sewage Collection or Disposal Facility Any arrangement of devices and Structures used for collecting and disposing of sewage waste.

Sewer or Sewer Main A primary pipe or conduit for carrying sewage, which excludes Building Sewers, Building drains, Utility Service Laterals, and customer service links; may be a gravity or pressurized force main, owned, operated, and maintained by the provider.

Sexually Oriented Businesses Definitions provided in Section 6.4.18.C of this Ordinance.

Short-Term Lender A Deferred Presentment Lender or a Title Loan Lender.

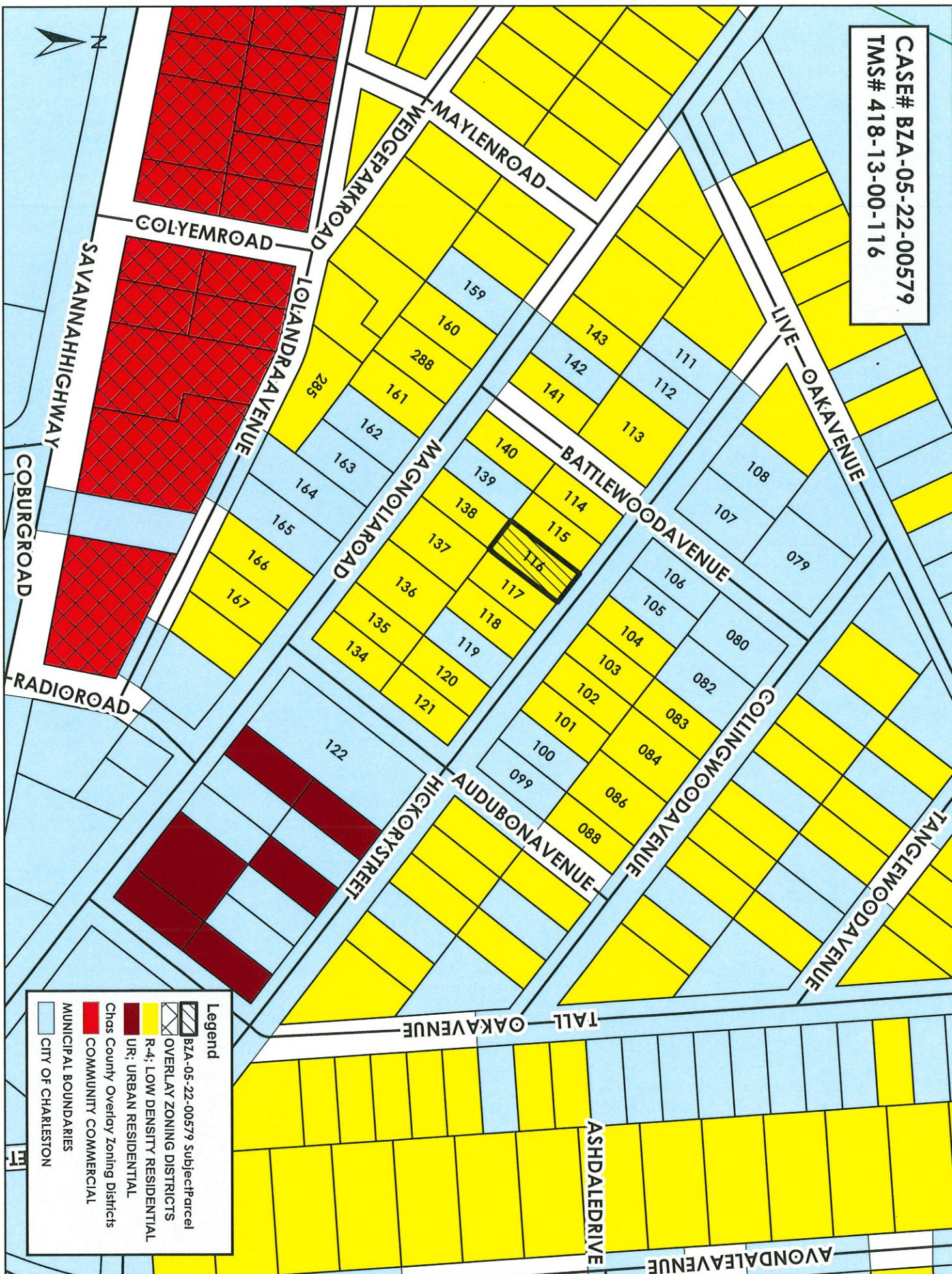
Short-Term Rental Property (STRP) A Dwelling or any part thereof that is offered, advertised, or provided to Short-Term Rental Tenants (excluding Family members) for individual rental terms not exceeding 29 consecutive days for a fee or any form of compensation. Compensation may include, but is not limited to, an exchange or interaction between people conducting business, such as a rental contract, or agreement, cash or credit transaction, and/or bartering (exchanging goods or services for other goods or services without using money). The number of Rental Days applies per Lot and not per Dwelling.

Effective on: 10/27/2017, as amended

Short-Term Rental Tenant (STRT) Any Person (excluding Family members) who rents a Dwelling or part thereof, for individual rental terms not exceeding 29 consecutive days for a fee or any form of compensation.

Effective on: 10/27/2017, as amended

CASE# BZA-05-22-00579
TMS# 418-13-00-116



Legend

- BZA-05-22-00579 Subject parcel
- OVERLAY ZONING DISTRICTS
- R-4; LOW DENSITY RESIDENTIAL
- UR; URBAN RESIDENTIAL
- Chas County Overlay Zoning Districts
- COMMUNITY COMMERCIAL
- MUNICIPAL BOUNDARIES
- CITY OF CHARLESTON





SAVANNAH HWY

WEDGE PARK RD

MAYLEN RD

COLYEM RD

LOLA MORA AV

MAGNOLIA RD

BATTLEWOOD AV

HICKORY ST

LIVE OAK AV

RADIO RD

AUDUBON AV

COLLINGWOOD AV

TANGLEWOOD AV

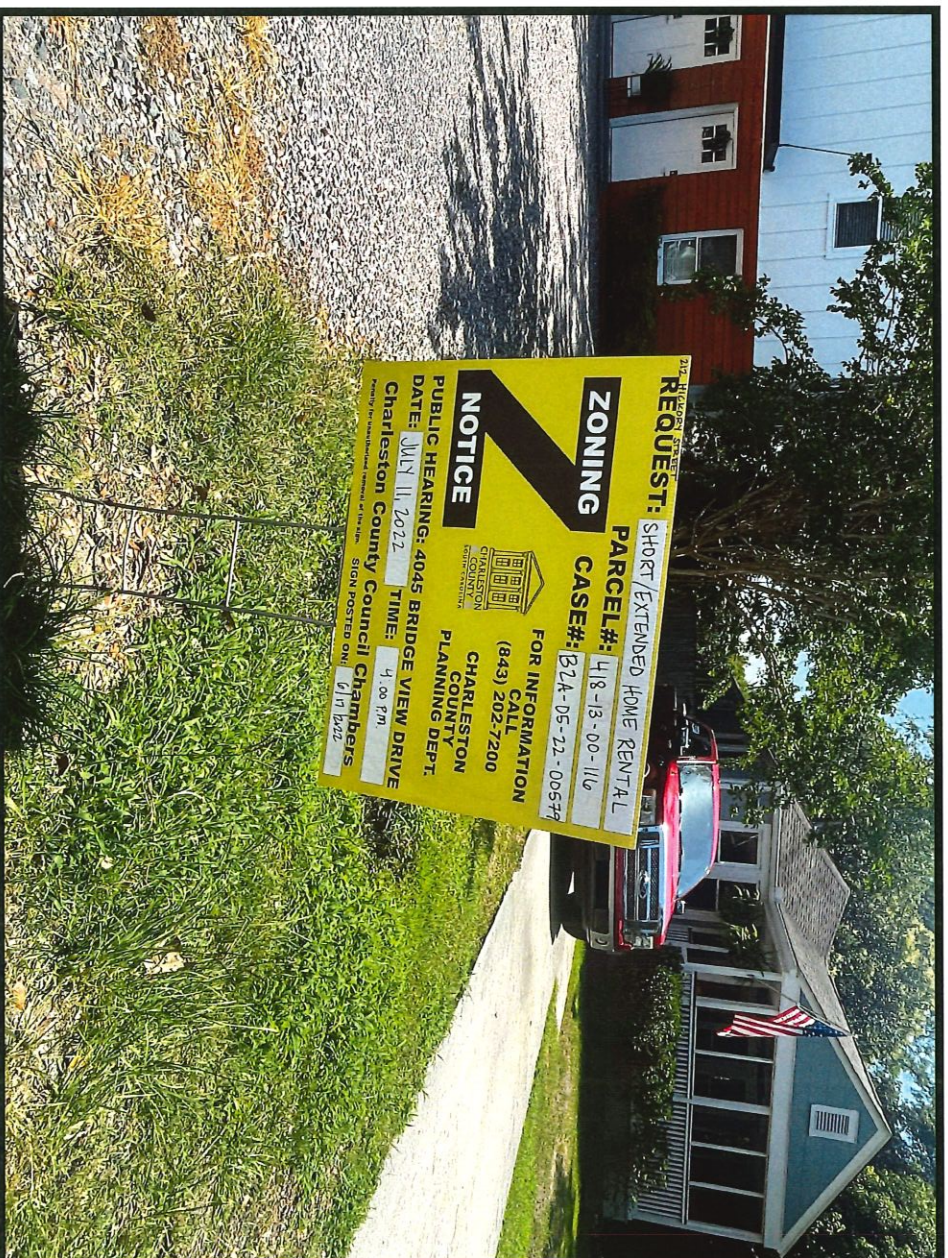
TALL OAK AV

Case # BZA-05-22-00579

BZA Meeting of July 11, 2022

Subject Property: 212 Hickory Street – St. Andrews Area

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

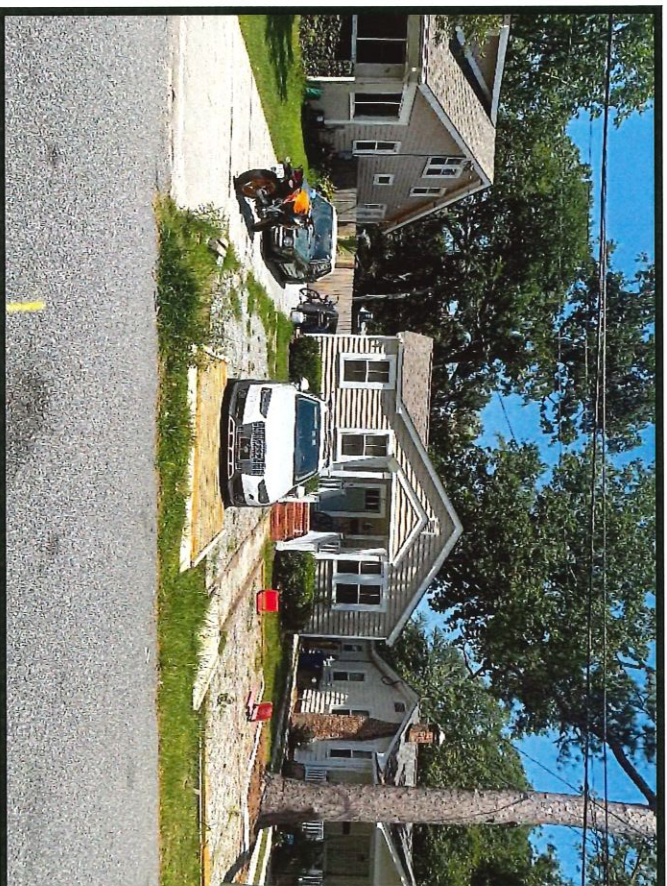


Subject Property

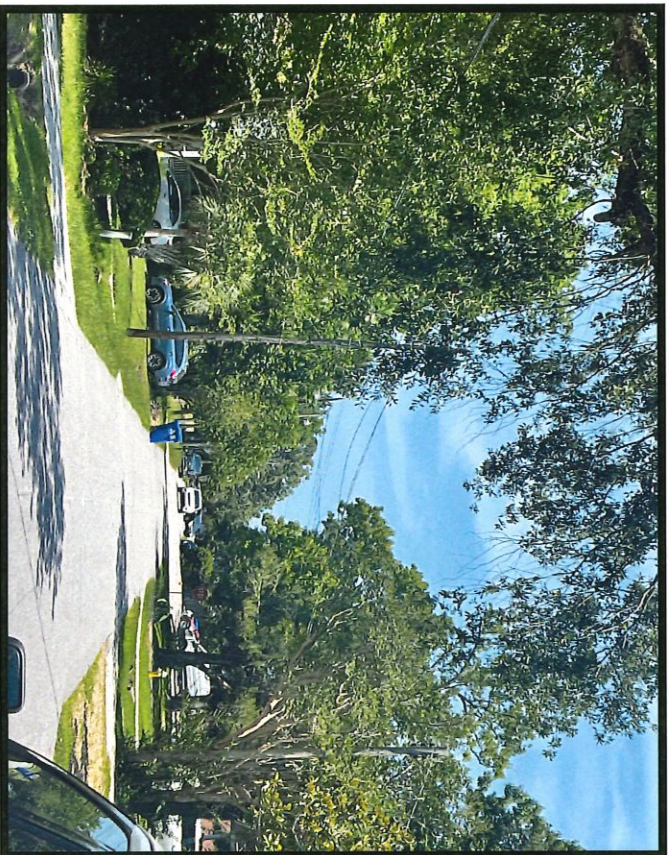
Duplex and Parking



Surrounding Properties



Hickory Street



Staff Review:

The applicant and property owner, Richard Callari, 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 212 Hickory Street (TMS # 418-13-00-116) in the St. Andrews Area of Charleston County. The subject property and all sounding properties are located in the Low Density Residential (R-4) Zoning District with the exception of the properties to the northeast and northwest which are within the City of Charleston's jurisdiction. The property contains a duplex with six (6) bedrooms that was constructed in 1950 per Charleston County records. The request is to rent four bedrooms for up to 144 days a year. 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 June 17, 2022. Please review the attachments for further details regarding this request.

One of the amendments to the STR Ordinance included the addition of three (3) Special Exception Approval Criteria that are specific to STRPS. The six (6) Special Exception Approval Criteria (Art. 3.6, §3.6.5) no longer apply to STRPS uses.

Art. 6.8 Short-Term Rentals, §6.8.2 Operating Standards and Requirements, C. Special Exception: Notwithstanding the provisions of Art. 3.6, *Special Exceptions*, of this Ordinance, the following approval criteria shall apply to STRPS 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 use will remain residential in nature, the property has been operating as a limited home rental for the past year, we have had no complaints or objections from neighbors. Guest rules and restrictions are in place to maintain privacy and peaceful enjoyment for neighbors." 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, "As shown on the site plan the property has ample parking meeting the requirements for an extended home rental. Additionally, both yard areas are fully fenced, there is a landscape buffer on both sides of the front yard/parking area offering further privacy for the adjacent properties." 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, "This property has gone through site plan review, and it has been determined the property meets the site plan review requirements for an extended home rental." Therefore, the request meets 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*, Section §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-05-22-00579 [Special Exception to establish a Short-Term Rental Property, Extended Home Rental (EHR) in the Low Density Residential (R-4) Zoning District at 212 Hickory Street (TMS # 418-13-00-116) in the St. Andrews Area of 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)

Property Information			
Subject Property Address: 212 Hickory Street Charleston SC 29407			
Tax Map Number(s): 418-13-00-116			
Current Use of Property: Limited Home Rental			
Proposed Use of Property: Extended Home Rental			
Applicant Information (Required)			
Applicant Name (please print): Richard Callari			
Name of Company (if applicable):			
Mailing Address: 212 Hickory Street Unit A			
City: Charleston	State: SC	Zip Code: 29407	
Email Address: callarirh@gmail.com		Phone #: 9546589792	
Applicant Signature: <i>[Signature]</i>		Date: 5/15/20	
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Print Representative Name and Name of Company:			
Mailing Address:			
City:	State:	Zip Code:	
Email Address:		Phone #:	
Designation of Agent (Complete only if the Applicant listed above is not the Property Owner.)			
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:
FOR OFFICE USE ONLY:			
Zoning District: R-4	Flood Zone: shaded x 511K	Date Filed: 5/18/2022	Fee Paid: \$250 Credit
Application #: BZA-05-22-00579	TMS #: 418-13-00-116	Staff Initials: jji	

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.)

Extended Home Rental of 4 bedroom (2 unit) property located at 212 Hickory Street Charleston SC 29407.

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 use will remain residential in nature, the property has been operating as a limited home rental for the past year, we have had no complaints or objections from neighbors. Guest rules and restrictions are in place to maintain privacy and peaceful enjoyment for neighbors.

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.

As shown on the site plan the property as ample parking meeting the requirements for an extended home rental. Additionally both yard areas are fully fenced, there is a landscape buffer on both sides of the front yard/ parking area offering further privacy for the adjacent properties.

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.

This property has gone through site plan review and it has been determined the property meets the site plan review requirements for an extended home rental.

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: Richard Last Name: Callari
Mailing Address: 212 Hickory Street A Charleston SC 29407
Home/Cell Phone: 954-658-9792
Email Address: Callarich@gmail.com

Applicant Information (if not being submitted by owner)

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

Short-Term Rental Property Information

Address: 212 Hickory Street Charleston SC 29407
TMS #: 4181300116
Zoning: R-4

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

Duplex

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): 4

Number of Parking Spaces Provided Onsite (required parking is 1 space per permitted bedroom plus the required parking for the applicable use): 8

Maximum Number of Guest: 8

Maximum Number of Nights the Short-Term Rental Property is Proposed to be Rented Per Year: 144

Is the Short-Term Rental Property Owner Occupied (Circle One):

Yes

No

Turn Page Over

Currently

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 31st 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: 09/08/2021

Applicant Signature (if not the owner):

Date:

OFFICE USE ONLY

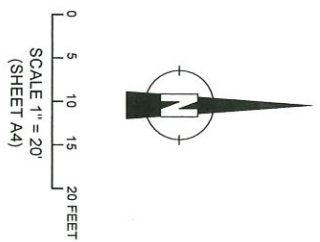
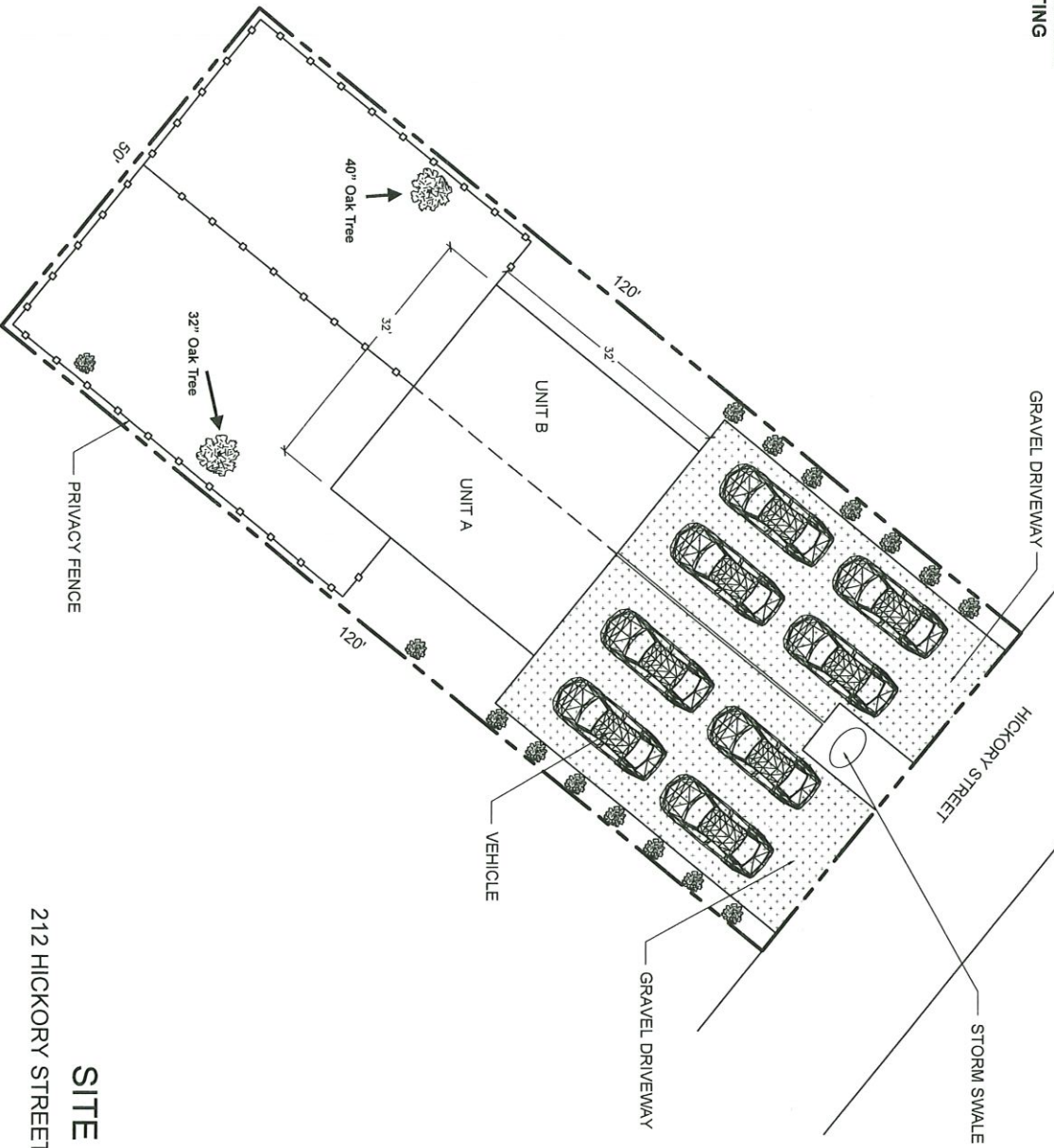
Amount Received _____ Cash? ☐ Check? ☐ # _____ Invoice Number _____

Permit Specialist/Planner's Signature _____

Date _____

SHORT-TERM RENTAL ZONING PERMIT APPLICATIONS FEES	
a. Short-Term Rental Permit: Limited Home Rental (LHR) <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>	\$100.00 Zoning fee.
b. Short-Term Rental Permit: Extended Home Rental (EHR) <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>	\$200.00 Zoning Fee.
c. Short-Term Rental Permit: Commercial Guest House (CGH) <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>	\$300.00 Zoning Fee.

CONDITIONS SHOWN
ARE EXISTING



SITE PLAN

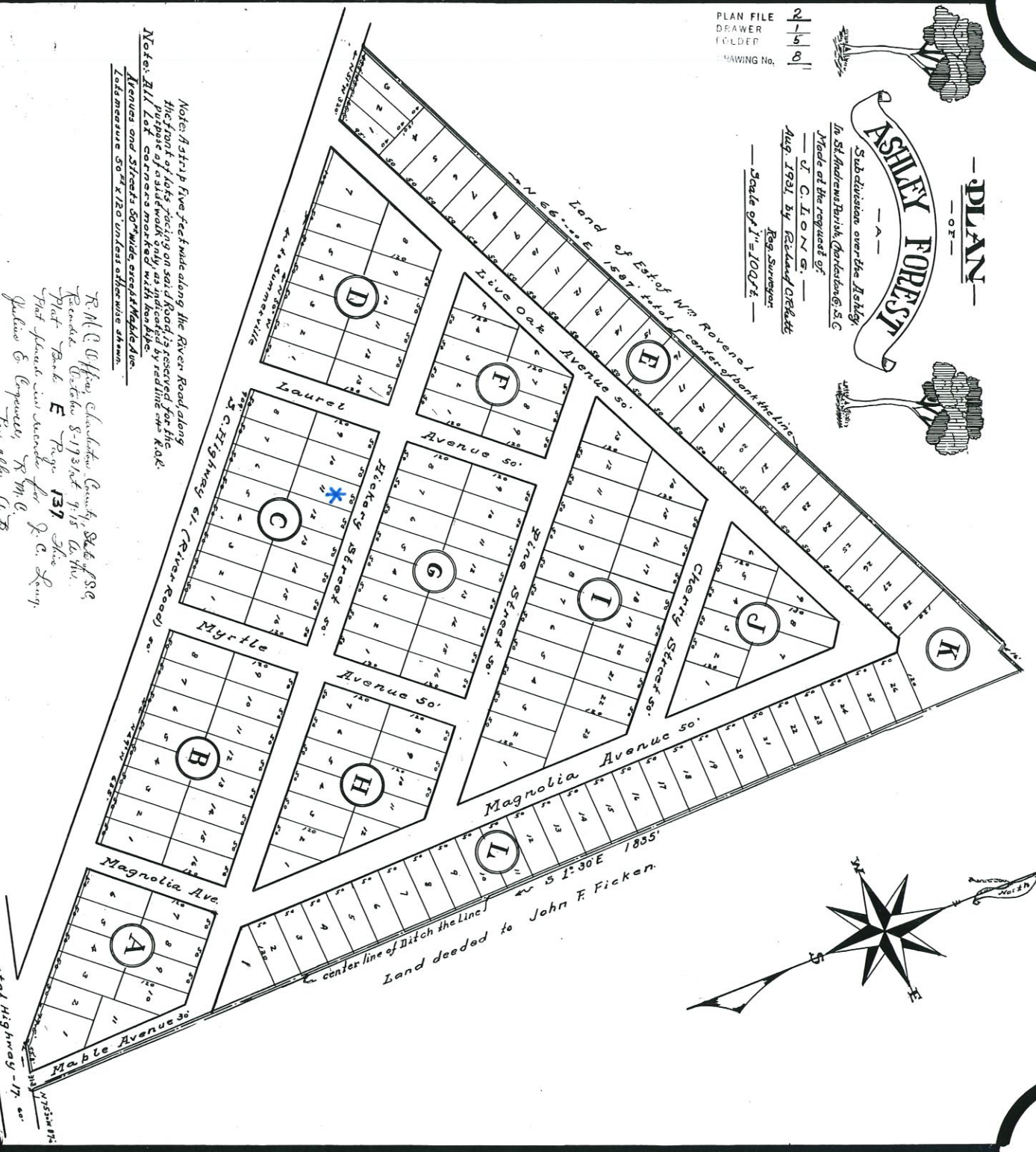
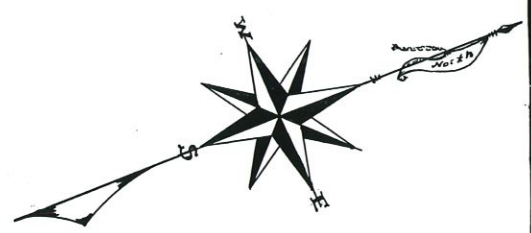
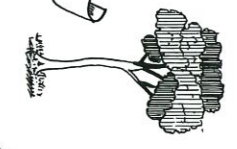
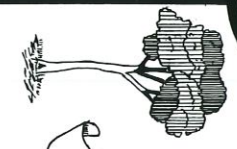
212 HICKORY STREET, CHARLESTON, SC, 29047

PLAN

ASHLEY FOREST

Subdivision over the Ashley,
in St. Andrews Parish, Louisiana, S.C.
Made at the request of
— J. C. LON G. —
Aug. 1931, by Richard C. Ricketts
Reg. Surveyor
Scale of 1" = 100 ft.

PLAN FILE 2
DRAWER 1
FOLDER 5
DRAWING No. 8



Note: A strip five feet wide along the River Road along the front of lots facing on said Road is reserved for the purpose of sidewalk work only as indicated by red line on map.

Avenues and Streets 50' wide except Mable Ave. Lot measure 50' x 120' unless otherwise shown.

R. M. C. Offing, Charleston County, S.C., Reg. S.R.
Traverse: October 8-1931, 9-15 A.M.
Plot: Book E Page 137, 3rd Sec. 2, Twp. 12 N., R. 10 E., S. 10 N.
Part of land was awarded for J. C. L. Long,
Quincy & Company, R. M. C.
For also C. B.

Land deeded to John F. Ficken.
31°30'E 1855'

U.S. Coastal Highway - 17