Case #: BZA-09-19-00355  
Charleston County BZA Meeting of November 4, 2019

Applicant/Property Owner: Joanne Cullen and Steven Murphy

Property Location: 1606 Terns Nest Road – James Island

TMS#: 331-07-00-057

Zoning District: Low-Density Manufactured Housing Subdivision (MHS) Zoning District

Request: Special Exception request to establish a Short-Term Rental, Extended Home Rental (EHR) in the Low-Density Manufactured Housing Subdivision (MHS) Zoning District.

Requirement:
The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 6 Use Regulations, Article 6.3 Use Types, §6.3.3 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.” Table 6.1.1, indicates that Short-Term Rentals, Extended Home Rental (EHR) in the Low-Density Manufactured Housing Subdivision (MHS) Zoning District is a use type allowed only if it complies with use-specific conditions of (Article 6.8) all other applicable regulations of this Ordinance and is approved by the BZA as a Special Exception.

Article 6.8 Short-Term Rentals, Section 6.8.1 B.1.b. Purpose and Applicability, states, “Extended Home Rental (EHR) – a property with an owner or non-owner occupied residential dwelling, located in the S-3, R-4, M-8, M-12, or MHS Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, for more than 72 days but not to exceed 144-days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days. To establish an EHR, a property owner must obtain a Special Exception from the Board of Zoning Appeals (BZA) pursuant to the requirements of Article 3.6 of this Ordinance.”
**ARTICLE 6.2 DEFINITIONS**

All of the types of uses listed in the Table 6.1-1 are defined in Chapter 12.

Effective on: 11/20/2001, as amended

**ARTICLE 6.3 USE TYPES**

This Article explains how to interpret Table 6.1-1, Use Table. The top of Table 6.1-1 contains the Zoning Districts and left side of the table contains the use types. Under the hierarchy established by this Ordinance, the RM district is the least intensive base zoning district, while the I district is the most intensive base zoning district. The uses listed in Table 6.1-1 are permitted or not permitted in each Zoning District according to the letter coding described in Sections 6.3.1 through 6.3.5 below.

§6.3.1 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 of this Ordinance as a principal use allowed without the requirement of a Special Exception.

Effective on: 11/20/2001, as amended

§6.3.2 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. The number provides a cross-reference to the use-specific conditions contained in this Chapter.

Effective on: 11/20/2001, as amended

§6.3.3 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. 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 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 of this Ordinance.
<table>
<thead>
<tr>
<th>Land Uses</th>
<th>ZONING DISTRICTS</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stable, Private</td>
<td>RM AG 15 AG 10 AG 8 AGR RR3 S3 R4 MB M 12 MHS MHP OR OG CN CR CT CC I</td>
<td>§ 6.4.20</td>
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<td><strong>SUPPORT ACTIVITIES FOR AGRICULTURE USES</strong></td>
<td></td>
<td>A</td>
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<tr>
<td>Agricultural Processing</td>
<td>C C C C S</td>
<td>§ 6.4.1</td>
</tr>
<tr>
<td>Agricultural Sales or Services</td>
<td>A A A A C</td>
<td>§ 6.4.44</td>
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<td>Roadside Stands, Including the sale of Sweetgrass Baskets</td>
<td>C C C C C C C C C C C C</td>
<td>§ 6.4.58</td>
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<tr>
<td><strong>RESIDENTIAL</strong></td>
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<tr>
<td>Congregate Living for the elderly (up to 15 residents)</td>
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<td></td>
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<tr>
<td>Duplex</td>
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<td></td>
</tr>
<tr>
<td>Dwelling Group</td>
<td>C C C C C C C C C C C C</td>
<td>§ 6.4.7</td>
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<tr>
<td>Farm Labor Housing (up to 10 residents)</td>
<td>C C C C C</td>
<td>§ 6.4.9</td>
</tr>
<tr>
<td>Farm Labor Housing (Dormitory) (more than 10 residents)</td>
<td>S S S S S</td>
<td>§ 6.4.9</td>
</tr>
<tr>
<td>Child Caring Institution (more than 20 children)</td>
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<tr>
<td>Group Care Home, Residential (up to 20 children)</td>
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</tr>
<tr>
<td>Group Residential, including Fraternity or Sorority Houses, Dormitories, or Residence Halls</td>
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<tr>
<td>Manufactured Housing Unit</td>
<td>A A A A A C C C C C A A</td>
<td>§ 6.4.24</td>
</tr>
<tr>
<td>Manufactured Housing Unit, Replacement</td>
<td>A A A A A A A C C C A A</td>
<td>§ 6.4.24</td>
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<td>Manufactured Housing Park</td>
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<tr>
<td>Multi-Family, Including Condominiums or Apartments</td>
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<td></td>
</tr>
<tr>
<td>Retirement Housing</td>
<td>S S S S S S S S A A S</td>
<td>§ 6.4.8</td>
</tr>
<tr>
<td>Retirement Housing, Limited (up to 10 residents)</td>
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<td>§ 6.4.8</td>
</tr>
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<td>Short-Term Rentals, Limited Home Rental (LHR)</td>
<td>C C C C C C C C C C C</td>
<td>Art. 6.8</td>
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<tr>
<td>Short-Term Rentals, Extended Home Rental (EHR)</td>
<td>S S S S s</td>
<td>Art. 6.8</td>
</tr>
<tr>
<td>Single Family Attached, also known as Townhouses or Rowhouses</td>
<td>S C C S</td>
<td>§ 6.4.2</td>
</tr>
<tr>
<td>Single Family Detached</td>
<td>A A A A A A A A A A C C C C C C C C</td>
<td>§ 6.4.25</td>
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<tr>
<td>Affordable Dwelling Units</td>
<td>S S C C C C C C A A</td>
<td>§ 6.4.19</td>
</tr>
<tr>
<td>Single family Detached/Manufactured Housing Unit (Joint) or Two Manufactured Housing Units (Joint)</td>
<td>A A A A A C C C C C</td>
<td>§ 6.4.24</td>
</tr>
<tr>
<td>Transitional Housing, including Homeless and</td>
<td>S S S S S A</td>
<td></td>
</tr>
</tbody>
</table>
§6.7.4 Special Events Established as Principal Uses in Commercial and Industrial Zoning Districts

A. Special Events in Commercial and Industrial Zoning Districts shall comply with the requirements of Section 6.7.5 and the following:

1. The establishment of a new Special Events principal use in the CN, CT, CR, CC, and I Zoning Districts shall comply with the requirements of Article 3.7, Site Plan Review, of this Ordinance.

Effective on: 11/20/2001, as amended

§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 §6.7.3 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 in 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.

Effective on: 11/20/2001, as amended

§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.

Effective on: 11/20/2001, as amended

§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.

Effective on: 11/20/2001, as amended

§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 (6) 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.

Effective on: 11/20/2001, as amended

ARTICLE 6.8 SHORT-TERM RENTALS

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 County of Charleston.

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

1. Providing for an annual permitting process to regulate STRPs;
2. Balancing the interests of owner-occupied dwellings with 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 home is located;
4. Providing alternative accommodation options for lodging in residential dwellings; 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. Limited Home Rental (LHR) - a property with an owner-occupied residential dwelling, located in the RM, AG-15, AG-10, AG-8, AGR, RR-3, S-3, R-4, M-8, M-12, or MHS Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, not to exceed 72 days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days.
   b. Extended Home Rental (EHR) - a property with an owner- or non-owner occupied residential dwelling, located in the S-3, R-4, M-8, M-12, or MHS Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, for more than 72 days but not to exceed 144-days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days. To establish an EHR, a property owner must obtain a Special Exception from the Board of Zoning Appeals (BZA) pursuant to the requirements of Section 3.6 of this Ordinance.
   c. Commercial Guest House (CGH) - a property located in the OR, OG, CN, CR, CT, or CC Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, for intervals of 29 days or less during a calendar year.

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.

3. Application. Applications for STRPs shall be made in compliance with this Article.

C. Registration. All STRPs require a Zoning Permit and Business License. Upon adoption of this Ordinance, STRPs will have 30 calendar days to submit applications to comply with the provisions of this Article and an additional 90 calendar days to obtain all required Zoning Permits for the STRP use.

Effective on: 7/24/2018, as amended

§6.8.2 Operating Standards and Requirements

A. Permits and Renewals

1. After a LHR or CGH STRP use has been authorized through the applicable zoning process(es), a Zoning Permit for a STRP use and a Business License must be obtained prior to offering, advertising, or providing Short-Term Rental Properties for lodging as provided for in this Article.

2. After an EHR STRP use has been authorized by the Board of Zoning Appeals, a Zoning Permit for a STRP use and a Business License must be obtained prior to offering, advertising, or providing Short-Term Rental Properties for lodging as provided for in this Article.

3. Zoning Permits for all STRP uses must be renewed annually in compliance with this Article.

B. Short-Term Rental Property Tenant Notices

1. 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:
a. Contact information for the owner of the STRP;
b. Zoning Permit Number for the STRP use;
c. Trash collection location and schedules, if applicable; and
d. Fire and Emergency evacuation routes.

Effective on: 7/24/2018, as amended

§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. 9.3.2, Off-Street Parking Schedule A, of this Ordinance.
   3. Signage advertising STRPs is prohibited in Residential Zoning Districts.

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 Zoning Permit Number and Business License Number.

C. Annual Zoning Permit Renewal.
   1. Zoning Permits for all STRPs must be renewed annually. 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 Zoning Permit for the STRP use 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. The applicant shall file an application for a new Zoning Permit for a STRP use if the aforementioned requirements are not met.
   2. If the Director of the Zoning and Planning Department determines that the STRP use is not consistent with the Special Exception that authorizes the use and/or Site Plan Review approval that authorizes the use, the applicant shall file an application for a new Zoning Permit for the STRP use, including applicable Special Exception and/or Site Plan Review applications and fees.
   3. By the end of January of each calendar year, the owners of all registered STRPs will be mailed an annual renewal notice informing them that they must renew the Zoning Permit for the STRP use on or before April 1st of the same calendar year or their existing Zoning Permit will expire. The Zoning Permit for the STRP use will terminate on April 1st of each year regardless of whether or not the applicant receives notice from the Zoning and Planning Department Director.

Effective on: 7/24/2018, as amended

§6.8.4 Use Limitations and Requirements

A. Applicability. The limitations and requirements of this Section apply to all types of Short-Term Rental Properties (STRPs).

B. Standards. See Table 6.8.4, STRP Standards.

<table>
<thead>
<tr>
<th>Standard or Requirement</th>
<th>Limited Home Rental (LHR)</th>
<th>Extended Home Rental (EHR)</th>
<th>Commercial Guest House (CGH)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Districts (pursuant to Table 6.1.1, Use Table)</td>
<td>Use Subject to Conditions of Art. 6.8: RM, AG-15, AG-</td>
<td>Special Exception Use (subject to conditions of Art. 6.8: OR, OG, CN, CR,</td>
<td>Use subject to Conditions of Art. 6.8: OR, OG, CN, CR,</td>
</tr>
</tbody>
</table>
§6.8.5 Application Submittal Requirements

No application for a STRP shall be accepted as complete unless it includes the required fee and the information listed below.

A. The name, address, email, and telephone number of all property owners of the Short-Term Rental Property (STRP).

B. Completed Short-Term Rental Property 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.

C. Restricted Covenants Affidavit(s) signed by the applicant or current property owner(s) in compliance with state law.

D. Address and Property Identification Number of the property on which the STRP is located.

E. The type of STRP that is the subject of the application, which may be a:
   1. Limited Home Rental (LHR);
   2. Extended Home Rental (EHR); or

F. The type of Dwelling Unit(s) that is proposed to be used as a STRP including, but not limited to, Principal Dwelling Unit, Accessory Dwelling Unit, Single Family Detached, Single Family Attached, Manufactured Housing Unit, and/or Multi Family, and documentation of Zoning Permit and Building Permit approvals for the structures, as applicable.

G. The maximum number of bedrooms in the Dwelling Unit(s) proposed to be used as a STRP.

Effective on: 7/24/2018, as amended

§6.8.6 Enforcement and Violations

A. Notwithstanding the provisions of Chapter 11 of this Ordinance, a STRP Zoning Permit may be administratively revoked by the Zoning and Planning Department Director or his designee if the STRP has violated the provisions of this Article on three or more occasions within a 12-month period. Provided however, a STRP Zoning Permit may be immediately revoked if the Zoning and Planning Department Director determines the STRP has Building Code violations, there is no 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 Zoning Permit Number and Business License Number.

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 Department 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. Subsequent Application. Once a County-issued Zoning Permit and/or a Business License for a STRP use has been revoked, no new Zoning Permit and/or Business License for a STRP use 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 Zoning Permit application for a STRP use must be submitted in accordance with this Article.

Effective on: 7/24/2018, as amended
<table>
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<tr>
<th>Short-Term Rental (STR) Requirements</th>
<th>Zone</th>
<th>Districts</th>
<th>Occupied or Owner-Occupied</th>
<th>License</th>
<th>Permit</th>
<th>Safety</th>
<th>Special Appeals</th>
<th>Plan Review</th>
<th>Number of Days Short-Term Rentals Allowed</th>
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<tbody>
<tr>
<td>Commercial Guest House (cGH)</td>
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<td>Non-Owner-Occupied</td>
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<tr>
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<td></td>
<td></td>
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<td>Required</td>
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Non-owner occupied Short-Term Rentals that are rented up to 144 days per calendar year are considered Extended Home Rentals (EHR).
Proposal: Special Exception Request to Establish a Short-Term Rental, Extended Home Rental

Subject Property: 1606 Terms Nest Road – James Island

BZA Meeting of November 4, 2019

Case #: BZA-09-19-00335
Staff Review:

The applicants and property owners, Joanne Cullen and Steven Murphy, are requesting a Special Exception to establish a Short-Term Rental (STR), Extended Home Rental (EHR) in the Low-Density Manufactured Housing Subdivision (MHS) Zoning District at 1606 Terns Nest Road (TMS 331-07-00-057) on James Island in Charleston County. The subject property anc properties to the north, east, south, and west are located in the Low-Density Manufactured Housing Subdivision (MHS) Zoning District in the Riverfront subdivision. The 0.14-acre property contains a 1,549 sq. ft., one story, single-family home with three (3) bedrooms that was constructed in 1998 per Charleston County records.

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 6 Use Regulations, Article 6.3 Use Types, §6.3.3 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.” Table 6.1.1, indicates that Short-Term Rentals (STR), Extended Home Rental (EHR) in the Low-Density Manufactured Housing Subdivision (MHS) Zoning District is a use type allowed only if it complies with use-specific conditions of (Article 6.8) all other applicable regulations of this Ordinance and is approved by the BZA as a Special Exception. Article 6.8 Short-Term Rentals, Section 6.8.1 B.1.b. Purpose and Applicability, states, “Extended Home Rental (EHR) – a property with an owner or non-owner occupied residential dwelling, located in the S-3, R-4, M-8, M-12, or MHS Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, for more than 72 days but not to exceed 144-days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days. To establish an EHR, a property owner must obtain a Special Exception from the Board of Zoning Appeals (BZA) pursuant to the requirements of Article 3.6 of this Ordinance.”

Currently, the subject property is in the Site Plan Review process (ZSPR-07-19-00391) for the proposed use. The applicant’s STR Property Zoning Permit Application states that a maximum of 3 bedrooms will be rented, 5 parking spaces will be available (as shown on the proposed site plan), and the property will be non-owner occupied. The home will be rented a maximum of 144 nights per year.

On May 6, 2019, the BZA approved a STR EHR Special Exception for the adjacent property, 1604 Terns Nest Road. To date, the BZA has approved four STR EHR Special Exception applications in the Riverfront subdivision.

Staff conducted a site visit on October 15, 2019. Please review the attachments for further details regarding this request.

Planning Director Review and Report regarding Approval Criteria of §3.6.5:

§3.6.5(1): Is consistent with the recommendations contained in the Charleston County Comprehensive Plan and the character of the underlying zoning district, as indicated in the zoning district “Description”;
Response: The Low-Density Manufactured Housing Subdivision (MHS) Zoning District implements the Urban/Suburban Area policies and Urban/Suburban Mixed Use future land use category of the Charleston County Comprehensive Plan. Regarding this category, the Comprehensive Plan states, "This designation encourages compatible mixed use development and a general land use pattern that includes a variety of housing types...Densities of four or more dwellings per acre should be allowed." The 0.14-acre property contains a single-family home. The single-family home will be used as an Extended Home Rental (EHR) and will be non-owner occupied. The applicant is not requesting any additional dwellings. Therefore, the proposal does not increase density. In addition to providing for a variety of housing types, the proposed EHR provides "alternative accommodation options for lodging in residential dwellings, as recommended in ZLDR, Article 6.8, Section 6.8.1A.4. Therefore, the proposed EHR may be consistent with the recommendations contained in the Comprehensive Plan and the character of the MHS Zoning District. Thus, the request may meet this criterion.

§3.6.5(2): 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 contends, "This is one of many extended home rental properties on the street, we are very conscientious about whom we rent to. We have very good relationships with our neighbors and community and always consider the welfare of the community." Therefore, the request may be compatible with existing uses in the vicinity and may not adversely affect the general welfare or character of the immediate community.
Thus, the request may meet this criterion.

§3.6.5(3): Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;
Response: The project is currently in the Site Plan Review process to ensure compliance with the Ordinance. Parking on the site complies with ZLDR, Article 9.3, Section 9.3.2, Off-Street Parking Schedule A. Landscape buffers and fences are not required. The property owner is responsible for ensuring that tenants comply with the Charleston County Noise Ordinance. Therefore, the request may meet this criterion.

§3.6.5(4): Where applicable, will be developed in a way that will preserve and incorporate any important natural features;
Response: The proposal preserves important natural features. No changes are proposed on the site. All Grand trees will be preserved. Therefore, the request meets this criterion.
§3.6.5(5): Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and

Response: The applicant is currently in the Site Plan Review process to ensure 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. Therefore, the request meets this criterion.

§3.6.5(6): Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.

Response: Vehicular traffic and pedestrian movement may increase slightly when the home is rented, however, adjacent roads should not be hindered or endangered. As previously mentioned, the five parking spaces on the site comply with ZLDR, Article 9.3, Section 9.3.2. Therefore, the request may meet this criterion.

Board of Zoning Appeals’ Action:
According to Article 3.6 Special Exceptions, Section §3.6.5 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), (adopted July 18, 2006), Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use meets all of the Approval Criteria of §3.6.5A.

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 (§3.6.5B).

The Board of Zoning Appeals may approve, approve with conditions or deny Case # BZA-09-19-00355, [Special Exception request to establish a Short-Term Rental (STR), Extended Home Rental (EHR) in the in the Low-Density Manufactured Housing Subdivision (MHS) Zoning District at 1606 Terns Nest Road (TMS 331-07-00-057) 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. 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 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.
Application for Special Exception

County of Charleston
Board of Zoning Appeals

This application must be completed and submitted in person to the Zoning/Planning Department in order to apply for a Special Exception. Please read the entire form prior to completing the application. The applicant shall receive a copy of this completed form at the time the application is filed. This application will be returned to the applicant within fifteen (15) working days if these items are not submitted with the application or if any are found to be inaccurate:

1) Completed Special Exception application signed by the current property owner(s).
2) Copy of Current Recorded Deed to the property. If the applicant is not the owner of the property, the Current Property Owner(s) must sign and print the Designation of Agent found below.
3) Restrictive Covenants & Posted Notice Affidavits signed by the applicant or current property owner(s).
4) A letter of intent signed by the applicant or property owner(s) stating the reason for the request that explains why this request should be granted and how it meets the Approval Criteria of §3.6.5. All proposed Special Exceptions, except manufactured homes, shall satisfy the Site Plan Review process and attend at least one Site Plan Review meeting prior to submitting this application.
5) An accurate, legible Site Plan drawn to Engineers Scale must be attached. The site plan must show property dimensions, dimensions and locations of all existing and proposed structures and improvements, parking areas, Grand trees (24" DBH or greater), wetlands (properties containing DHEC-OCRMC Critical Line areas must contain an up to date DHEC-OCRMC signature on the site plan or plot), holding basins and buffers when applicable.
6) Copy of a legible Approved and Recorded Plat showing present boundaries of property.
7) Check made out to "Charleston County" or cash. $250 fee.

Applicant Name: Joanne Cullen and Steven Murphy

Mailing Address: 1 Sunset Rd

City, State, Zip Code: Kingston MA 02364 Daytime Phone: 617-455-8828

Subject Property Address: 1606 Tear Nest Rd

Present Use of Property: Second home and short term rentals

Special Exception Description: Extended Home Rental

Applicant Signature: [Signature]

Applicant Email Address: joannex.cullen@gmail.com

Designation of Agent:
(Complete only if owner is not applicant): I hereby appoint the person named as Applicant above as my (our) agent to represent me (us) in this application.

Owner Print Name: [Name]

Date: [Date]

Owner Mailing Address: [Address]

City, State, Zip Code: [Address]

Owner Signature: [Signature]

Owner Email Address: [Email]

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Application #:
B24-09-19-00355

Flood Zone:
AE-13 679J

Zoning District:
MHS

Fee Paid ($250):
$250 Check #111

Date Filed: 11/19

Zoning Officer: [Signature]

FOR OFFICE USE ONLY

TMS #: 331-01-00-057
Letter of Intent to Establish a Business – Extended Home Rental at 1606 Terns Nest Rd

Applicant Information:

First Name: Joanne  Last Name: Cullen
First Name: Steven  Las: Name: Murphy
Mailing Address: 1 Sunset Rd Kingston MA 02364
Home/Cell Phone #: 617-455-8828
Email Address: joannexullen@gmail.com

Property Information Address: verified: □ Yes □ No

Is this your residence? Yes, but secondary residence

Name of Business: 1606 Terns Nest Riverfront, Extended Home Rental
TMS #: 331-07-00-057
Days of Operation: Various / 160 days
Hours of Operations: 24 hours Number of Employees: NA

Zoning District:

Please provide a detailed explanation of your proposed use:

The property is a second home that is rented to short term guests for various weekends and weeks throughout the year. It is listed on Airbnb. We rent less than 160 days a year.

The property is a 3 bedroom home that accommodates 6 guests. There are 5 off street parking spaces.

The property is consistent with the recommendations contained in the Charleston County Comprehensive Plan and in character with most of the homes on the street.

This is one of many extended home rental properties on the street, we are very conscientious about whom we rent to. We have very good relationships with our neighbors and community and always consider the welfare of the community.

The home is well buffered and noise and adverse lighting is not an issue with neighbors. We have more than adequate off street parking for our quests, so there is no hindrance to street traffic or pedestrians.

Signature: Joanne Cullen and Steven Murphy

Date: 08/30/2019

Office Use Only Zoning District: Taken in by: TMS#: Home Occupation: □ Yes □ No Vacant for more than 2 years: □ Yes □ No
APPROVAL CRITERIA FOR SPECIAL EXCEPTIONS

According to Article 3.6 Special Exceptions, Section §3.6.5 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use:

1. Is consistent with the recommendations contained in the Charleston County Comprehensive Plan and the character of the underlying zoning district “Purpose and Intent”;

2. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;

3. Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;

4. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;

5. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and

6. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.

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.
Short-Term Rental Property Zoning Permit Application

**Type of Short-Term Rental:**
- [ ] Limited Home Rental
- [X] Extended Home Rental
- [ ] Commercial Guest House

**Owner Information**

<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
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<tr>
<td>Joanne</td>
<td>Cullen</td>
</tr>
</tbody>
</table>

**Mailing Address:** 1 Sunset Rd Kingston MA 02364

**Home/Cell Phone:** 617-455-8828

**Email Address:** joannex.cullen@gmail.com

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

<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
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**Short-Term Rental Property Information**

**Address:** 1606 Terns Nest Rd Charleston SC

**TMS #:** 331-07-00-056 Lot 17

**Zoning:**

- Single family home

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

**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):**

- 3 BR

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

- 5

**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]

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*Turn Page Over*
Notes:
- After receiving a Zoning Permit for a Short-Term 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 or full 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 April 1st 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): [Signature] Date: 7/9/19

Applicant Signature (if not the owner): [Signature] Date: 7/10/19

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OFFICE USE ONLY

Amount Received ____________ Cash? □ Check? □ # ____________ Invoice Number ____________

Permit Specialist/Planner’s Signature ____________________________ Date ____________________________

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<tr>
<th>SHORT-TERM RENTAL ZONING PERMIT APPLICATIONS FEES</th>
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<tbody>
<tr>
<td>a. Short-Term Rental Permit: Limited Home Rental (LHR)</td>
</tr>
<tr>
<td>Note that additional applications, processes, and fees may apply pursuant to the requirements for Short-Term Rentals contained in the Charleston County ZLDR.</td>
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<tr>
<td>b. Short-Term Rental Permit: Extended Home Rental (EHR)</td>
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<tr>
<td>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.</td>
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<tr>
<td>c. Short-Term Rental Permit: Commercial Guest House (CGH)</td>
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<tr>
<td>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 CGHs will not be issued until/unless the Site Plan Review application is approved.</td>
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</table>
Tenant Notice:
Owner Contacts:
Joanne Cullen 517-455-8828
Steven Murphy 617-839-0108
1 Sunset Rd Kingston MA 03264

Zoning Permit #: TBD

Trash Collection:
Thursday

Evacuation Route: Front door and/or Rear Sliders
Letter of Intent to Establish a Business

Applicant Information

First Name: Joanne  Last Name: Cullen
Mailing Address: 1 Sunset Rd Kingston MA 02364
Home/Cell Phone #: 617-455-8828
Email Address: joannecullen@gmail.com

Property Information Address: verified: □ Yes □ No
Is this your residence? Yes, but secondary residence
Name of Business: 1606 Terns Nest Riverfront
TMS #: 331-07-00-057
Days of Operation: Various / 160 days
Hours of Operations: 24 hours Number of Employees: NA

Zoning District:

Please provide a detailed explanation of your proposed use:

The property is a second home that is rented to short term guests for various weekends and weeks throughout the year. It is listed on Airbnb. We rent less than 160 days a year.

The property is a 3 bedroom home that accommodates 6 guests. There are 5 off street parking spaces.

Signature: Joanne Cullen and Steven Murphy
Date: 08/14/2019

Office Use Only Zoning District: Taken in by: TMS#: Home Occupation: □ Yes □ No Vacant for more than 2 years: □ Yes □ No