



Case # BZA-10-22-00617

Charleston County BZA Meeting of December 5, 2022

Applicants/Property Owners: Susan Jackson and Marion Jackson

Property Location: 412 Riverland Drive – James Island

TMS#: 343-10-00-001

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.

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.

Sec. 6.1.4 Uses Not Allowed

A blank cell indicates that a use type is not allowed in the respective Zoning District, unless it is otherwise expressly allowed by other regulations of this Ordinance.

Sec. 6.1.5 New or Unlisted Uses and Use Interpretation

The Zoning and Planning Director shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in CHAPTER 12, *Definitions*, of this Ordinance or may require that the use be processed in accordance with the Planned Development (PD) procedures of this Ordinance.

Sec. 6.1.6 Table 6.1-1, Use Table

Principal uses shall be allowed within the Zoning Districts of this Ordinance in accordance with Table 6.1-1, *Use Table*.

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
AGRICULTURAL																				
AGRICULTURAL AND ANIMAL PRODUCTION, PROCESSING, AND SUPPORT																				

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		IN
Aquaculture			A	A	A	A	C	C														Sec. 6.4.1
Mariculture			C	C	C	C	C	C														Sec. 6.4.1
Apiculture (Bee Keeping)			A	A	A	A	A	A														
Animal and Insect Production			A	A	A	A	C	C	C													Sec. 6.4.1
Concentrated Animal Feeding Operation			S	S	S	S																
Horticultural Production			A	A	A	A	A	A	A	C				A				C	A	A	A	Sec. 6.4.1
Hemp Crop Production and/or Processing			S	S	S	S	S															Sec. 6.4.1
Winery			C	C	C	C	C	C											C	A	C	Sec. 6.4.21
Agricultural Processing			C	C	C	C	C	C	S										A	A	A	Sec. 6.4.1
Agricultural Sales or Service			A	A	A	A	C												A	A	A	Sec. 6.4.44
Roadside Stand; Sweetgrass Basket Stand		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 6.4.8
Community Garden		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Farmers Market			A	A	A	A	A	C	C	C	C	C		A	A	A	A	A	A	A	A	Sec. 6.4.47
FORESTRY AND LOGGING																						
Bona Fide Forestry Operation		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 6.4.23
Lumber Mill, Planing, or Saw Mill			A	A	A	A	S														A	A
RESIDENTIAL																						
ASSISTED LIVING																						
Assisted Living			S	S	S	S	S	S	S	S	A	S		S	S	A	A	S	A	S	A	
MANUFACTURED HOUSING																						
Manufactured Housing Unit			A	A	A	A	A	C	C	C	C	A	A									Sec. 6.4.24
Manufactured Housing Park													A									
MULTI-FAMILY DWELLING																						
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										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	C	Sec. 6.4.25
OTHER RESIDENTIAL USES																						

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. *Variations.* Variations from the requirements of Sec. 6.8.3.A, *Use Limitations and Standards*, are prohibited.

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

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

Effective on: 10/27/2017, as amended

Sec. 6.8.2 Permitting Processes

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

1. The name, address, email, and telephone number of all property owners of the Short-Term Rental Property (STRP).
2. Completed STRP application signed by all current property owner(s). For properties owned by corporations or partnerships, the applicant must submit a resolution of the corporation or partnership authorizing and granting the applicant signing and authority to act and conduct business on behalf of and bind the corporation or partnership.
3. Restricted Covenants Affidavit(s) signed by the applicant or current property owner(s) in compliance with state law.
4. Address and Property Identification Number of the property on which the STRP is located.
5. The type of STRP that is the subject of the application (LHR, EHR, or CGH);

6. Owner-Occupied STRP affidavit, as applicable;
 7. The type of Dwelling(s) that is proposed to be used as a STRP including, but not limited to, Principal Dwelling Unit, 6.5.9, Single Family Detached, Duplex, Single Family Attached, Manufactured Housing Unit not located in a Manufactured Housing Park, Triplex, and/or Fourplex, and documentation of Zoning Permit and Building Permit approvals for the structures, as applicable. Tents, RVs, boats, sheds, garages, and similar structures shall not be used as STRPs; and
 8. The maximum number of bedrooms available at the STRP.
- B. Short-Term Rental Property Site Plan Review Categories.** Notwithstanding the provisions of Art. 3.7, *Site Plan Review*, or this Ordinance, STRPs must complete Site Plan Review as prescribed in this Section based on the Permitting Process provided in Table 6.8.2 prior to obtaining a STRP Zoning Permit. The Building Inspection Services Department may require a building safety inspection and/or Building Permit as a condition of the STRP Site Plan Review approval.
1. *STRP, Administrative Site Plan Review.* Requires a Zoning Permit application, fee, aerial photographs, and photographs of the property. At the discretion of the Zoning and Planning Director, a site plan drawn to engineer's scale depicting existing and proposed conditions, including required parking, shall be submitted, and site visits by Zoning and Planning Staff may be required.
 2. *STRP, Limited Site Plan Review.* Requires a Limited Site Plan Review application and fee and must include a site plan drawn to engineer's scale depicting existing and proposed conditions, including required parking.
 3. *STRP, Full Site Plan Review.* Requires compliance with the requirements of Art. 3.7, *Site Plan Review*, of this Ordinance.
- C. Special Exception.** Notwithstanding the provisions of Art. 3.6, *Special Exceptions*, of this Ordinance, the following approval criteria shall apply to STRPs in place of those contained in Sec. 3.6.5 of this Ordinance if a Special Exception is required to obtain a STRP Zoning Permit based on the Permitting Process provided in Table 6.8.2 of this Article:
1. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community; and
 2. Adequate provision is made and/or exists for such items as: Setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed STRP use, such as noise, traffic congestion, trash, parking, and similar factors; and
 3. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, and applicable STRP Site Plan Review requirements of this Ordinance.
- All other provisions and requirements of Art. 3.6, *Special Exceptions*, shall apply.
- D. Zoning Permit Issuance and Business Licenses.** After a STRP Application has been approved, a STRP Zoning Permit and a Business License must be obtained prior to a property owner offering, advertising, or providing Short-Term Rental Properties for lodging as provided for in this Article.
- E. Annual Zoning Permit Renewal.**
1. All STRP Zoning Permits must be renewed annually in compliance with this Article. An application for annual renewal of the Zoning Permit must include:
 - a. The application fee;
 - b. A notarized affidavit signed by the Property owner stating that the type of STRP use and the information submitted as part of the application for the previous year's STRP Zoning Permit has not changed in any manner whatsoever and that the STRP use complies with the most recently adopted version of this Article (form of Affidavit provided by the County); and
 - c. Owner-Occupied STRP affidavit, as applicable.
 2. The Zoning and Planning Director may request STRP records including days the STRP was rented, STRP advertising records, STRP rental income, and STRP rental receipts. The records shall be provided to the Zoning and Planning Director within 10 working days from the date requested; otherwise, the STRP Zoning Permit will be denied.
 3. The applicant shall file an application for a new STRP Zoning Permit if the aforementioned requirements are not met.
 4. If the Zoning and Planning Director determines that the STRP use is not consistent with the Special Exception approval that authorizes the use and/or Site Plan Review approval that authorizes the use, the applicant shall file an application for a new STRP Zoning Permit, including applicable Special Exception and/or Site Plan Review applications and fees, and all requirements in effect at the time of STRP Zoning Permit application submittal shall apply.

5. The owners of all registered STRPs must renew the Zoning Permit for the STRP use by December 31st of each year or their existing Zoning Permit will expire. The Zoning Permit for the STRP use will terminate on December 31st of each year regardless of whether or not the applicant receives notice from the Zoning and Planning Director:

Table 6.8.2, Permitting Process for STRPs [1]			
	Limited Home Rental (LHR) [1]	Extended Home Rental (EHR) [2]	Commercial Guest House (CGH) [1] [2]
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.

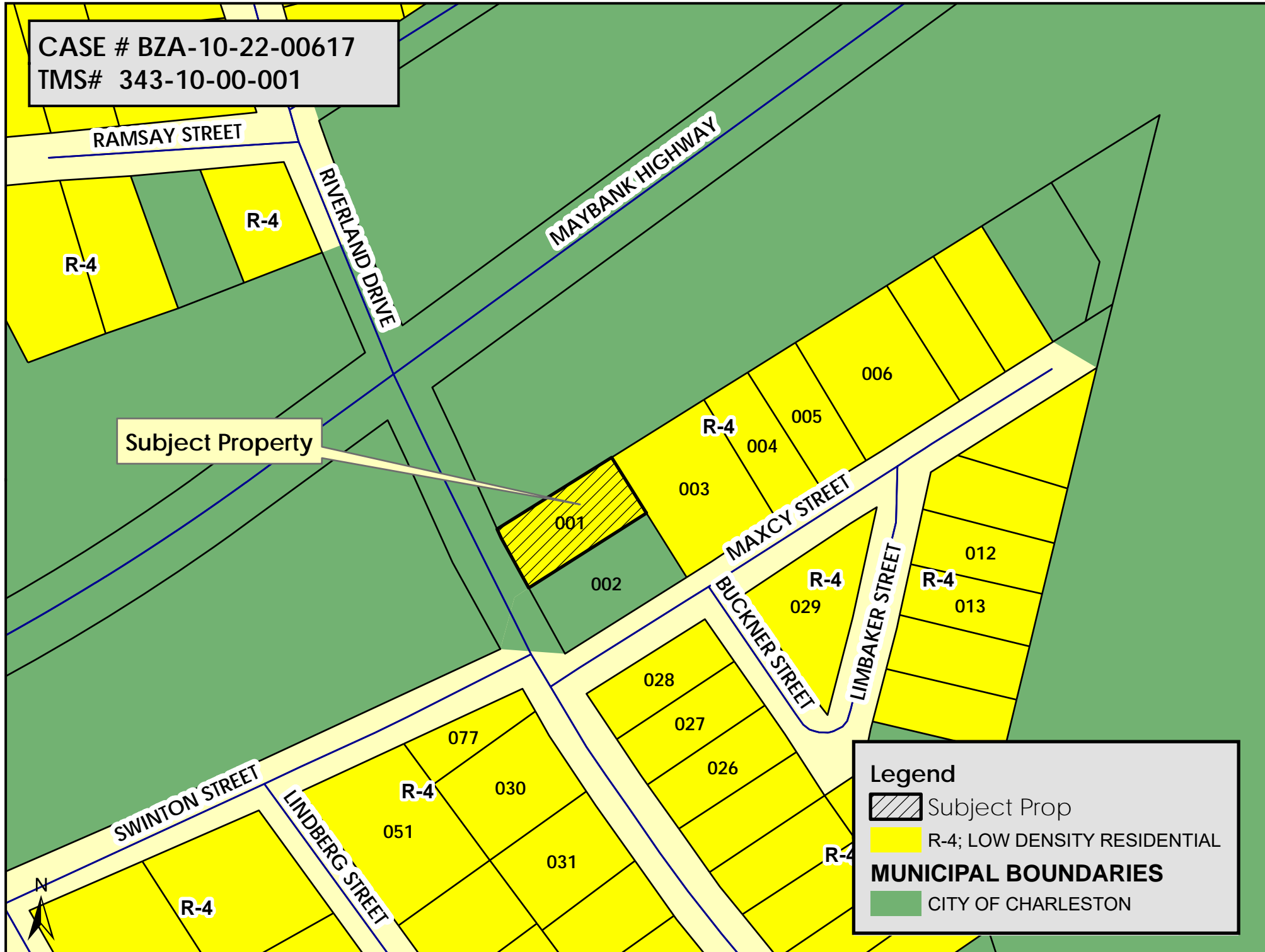
The Board of Zoning Appeals may grant an extension of the time of the amortization period if the owner of the Nonconforming STRP proves that he is unable to recoup his investment in such property by the conclusion of the amortization period.

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.

CASE # BZA-10-22-00617
TMS# 343-10-00-001




Subject Property

Legend

-  Subject Prop
-  R-4; LOW DENSITY RESIDENTIAL

MUNICIPAL BOUNDARIES

-  CITY OF CHARLESTON

CASE # BZA-10-22-00617
TMS# 343-10-00-001
AERIAL VIEW

RAMSAY STREET

VIEW DRIVE

MAYBANK HIGHWAY

Subject Property

RIVERLAND DRIVE

MAXCY STREET

LIMBAKER STREET

SWINTON STREET

LINDBERG STREET

PRIESTLY STREET





MAYBANK HWY

RIVERLAND DR

SWINTON ST

MAXCY ST

BUCKNER ST



RAMSAY ST

GOLFVIEW DR

MAYBANK HWY

RIVERLAND DR

MAXCY ST

LIMAKER ST

BUCKNER ST

SWINTON ST

LINDBERG ST

PRIESTLY ST



Case # BZA-10-22-00617

BZA Meeting of December 5, 2022

Subject Property: 412 Riverland Drive - James Island

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



Subject Property

Duplex and Parking



Riverland Drive



Staff Review:

The applicants and property owners, Susan and Marion Jackson, are 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 412 Riverland Drive (TMS # 343-10-00-001) on James Island in Charleston County. The subject property and the property to the east are located in the Low Density Residential (R-4) Zoning District. The properties to the north south and west are located in the City of Charleston's jurisdiction. The property contains a duplex with three (3) bedrooms that was constructed in 1945 per Charleston County records.

The applicant's letter of intent explains, "Request is for Extended Short Term Home Rental of Duplex Apartment A and B for no more than 144 days per year. Apartment A one bedroom, two guests maximum. Apartment B two bedroom, four guests maximum."

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 November 14, 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, "Nature and location of this property fitting with the purpose and applicability of ordinance with zoning district R-4. The use of this property will enhance the welfare and character of the immediate community. Property will be well maintained and bring revenue to the community." 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, "Fencing in place between all neighbors - one behind and one to the right. Left side of the Duplex is adjacent to golf course. Adequate parking present with two existing driveways enabling forward facing re-entry to Riverland Dr." 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, "To be rented no more than 144 days per year as a Short Term Rental within the applicable zoning district." Therefore, the request may meet this criterion.**

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

Board of Zoning Appeals' Action:

According to Article 3.6 *Special Exceptions*, 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-10-22-00617 [Special Exception request to establish a Short-Term Rental Property, Extended Home Rental (EHR) in the Low Density Residential (R-4) Zoning District at 412 Riverland Drive (TMS # 343-10-00-001) on James Island in Charleston County], based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision. **The Board may modify any of Staff's recommended conditions below, including but not limited to restricting the number of days the STR may be rented.** In the event the Board decides to approve the application, the Board should consider the following conditions recommended by Staff:

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

3. This property shall not be used as a Short-Term Rental for more than 144 days in aggregate during any calendar year.
4. The property owner shall be responsible for ensuring that tenants comply with the Charleston County Noise Ordinance.
5. Prior to the property being used or advertised as a Short-Term Rental the property owner must receive a Certificate of Occupancy from Charleston County Building Services.



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

Property Information			
Subject Property Address: 412 Riverland Dr. A + B Charleston SC 29412			
Tax Map Number(s): 343-10-00-001			
Current Use of Property: Currently renovating			
Proposed Use of Property: Rental - short-term / long-term			
Applicant Information (Required)			
Applicant Name (please print): Susan Jackson / Marion Jackson			
Name of Company (if applicable):			
Mailing Address: 2182 Edisto Ave			
City: Charleston	State: SC	Zip Code: 29412	
Email Address: susandorisjackson@gmail.com		Phone #: (803) 448-1036	
Applicant Signature: <i>Susan Jackson</i>		Date: 10/6/22	
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 (S13K)	Date Filed: 10/14/2022	Fee Paid: \$250 <i>check</i>
Application #: BZA-10-22-00617	TMS #: 343-10-00-001	Staff Initials: <i>jjw</i>	

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.)

Request is for Extended Short term home rental of Duplex Apartment A and B for no more than 144 days per year. Apartment A one bedroom, two guests maximum. Apartment B two bedroom, four guests maximum.

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.

Nature and location of this property fitting with the purpose and applicability of Ordinance with zoning district R-4. The use of this property will enhance the welfare and character of the immediate community. Property will be well maintained and bring revenue to the community.

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.

Fencing in place between all neighbors - one behind and one to the right. Left side of Duplex is adjacent to golf course. Adequate parking present with two existing driveways enabling forward facing recently to Riverland Dr.

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.

To be rented no more than 144 days per year as short term rental. Within applicable zoning district.

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: Susan *Last Name:* Jackson
Mailing Address: 2182 Edisto Ave Charleston, SC 29412
Home/Cell Phone: (805)448-1036
Email Address: susandorisjackson@gmail.com

Applicant Information (if not being submitted by owner)

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

Short-Term Rental Property Information

Address: 412 Riverland Dr.
TMS #: 3431000001
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 - Apartment A + B
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
Number of Parking Spaces Provided Onsite (required parking is 1 space per permitted bedroom plus the required parking for the applicable use): 6
Maximum Number of Guest: 6
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

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): Susan Jackson Date: 8/3/22

Applicant Signature (if not the owner): _____ Date: _____

OFFICE USE ONLY

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

Permit Specialist/Planner's Signature

Date

SHORT-TERM RENTAL ZONING PERMIT APPLICATIONS FEES	
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.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

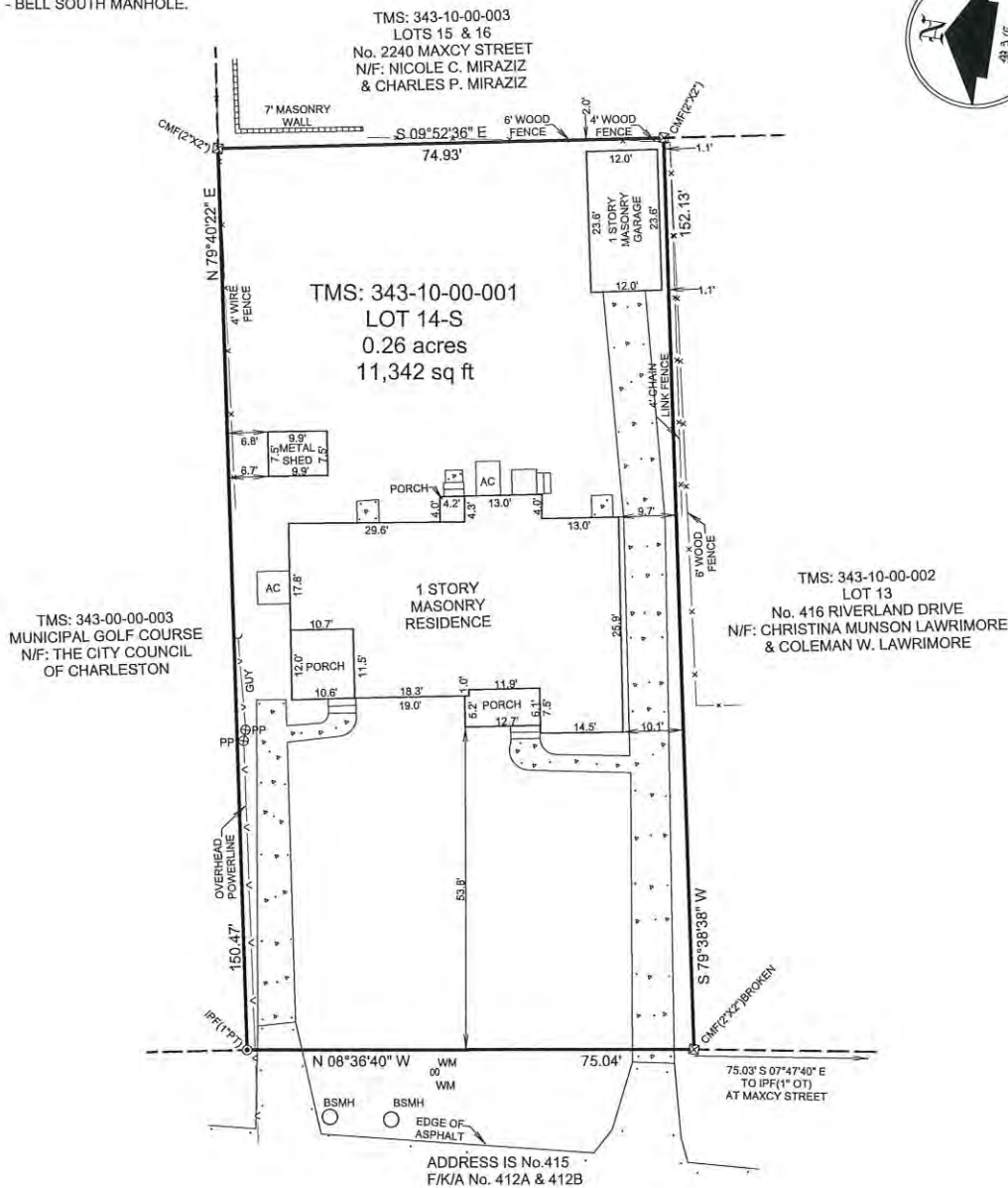
I CERTIFY THAT THE PROPERTY SHOWN HEREON IS NOT IN A SPECIAL FLOOD HAZARD ZONE ACCORDING TO FEMA AND HUD FLOOD HAZARD BOUNDARY MAPS.

LEGEND:

- IPF(1"PT) - 1" PINCHED TOP PIPE FOUND, OLD.
- IPF(1"OT) - 1" OPEN TOP PIPE FOUND, OLD.
- CMF2"X2" - 2"X2" CONCRETE MONUMENT FOUND, OLD.
- PP - POWER POLE.
- GUY - GUY WIRE
- WM - WATER METER.
- BSMH - BELL SOUTH MANHOLE.

NOTES:

1. THE PROPERTY APPEARS IN FLOOD ZONE SHADED "X" ON FIRM COMMUNITY-PANEL NUMBER 45019C0513K. MAP REVISED JANUARY 29, 2021.
2. THE BEARINGS SHOWN ARE MAGNETIC AND SUBJECT TO LOCAL ATTRACTION.
3. ANYTHING SHOWN OUTSIDE OF THE DEFINED BOUNDARY IS FOR DESCRIPTIVE PURPOSES ONLY.
4. THIS SURVEY IS BASED ON THE REFERENCE SHOWN AND DOES NOT CONSTITUTE A TITLE SEARCH.



PLAT

OF LOT 14-S, GREENACRES,
 JAMES ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA.
 PREPARED FOR MARION JACKSON.



SCALE: 1" = 20'

DATE: MAY 2, 2022

REF: PLAT BK. "H", PG. 021

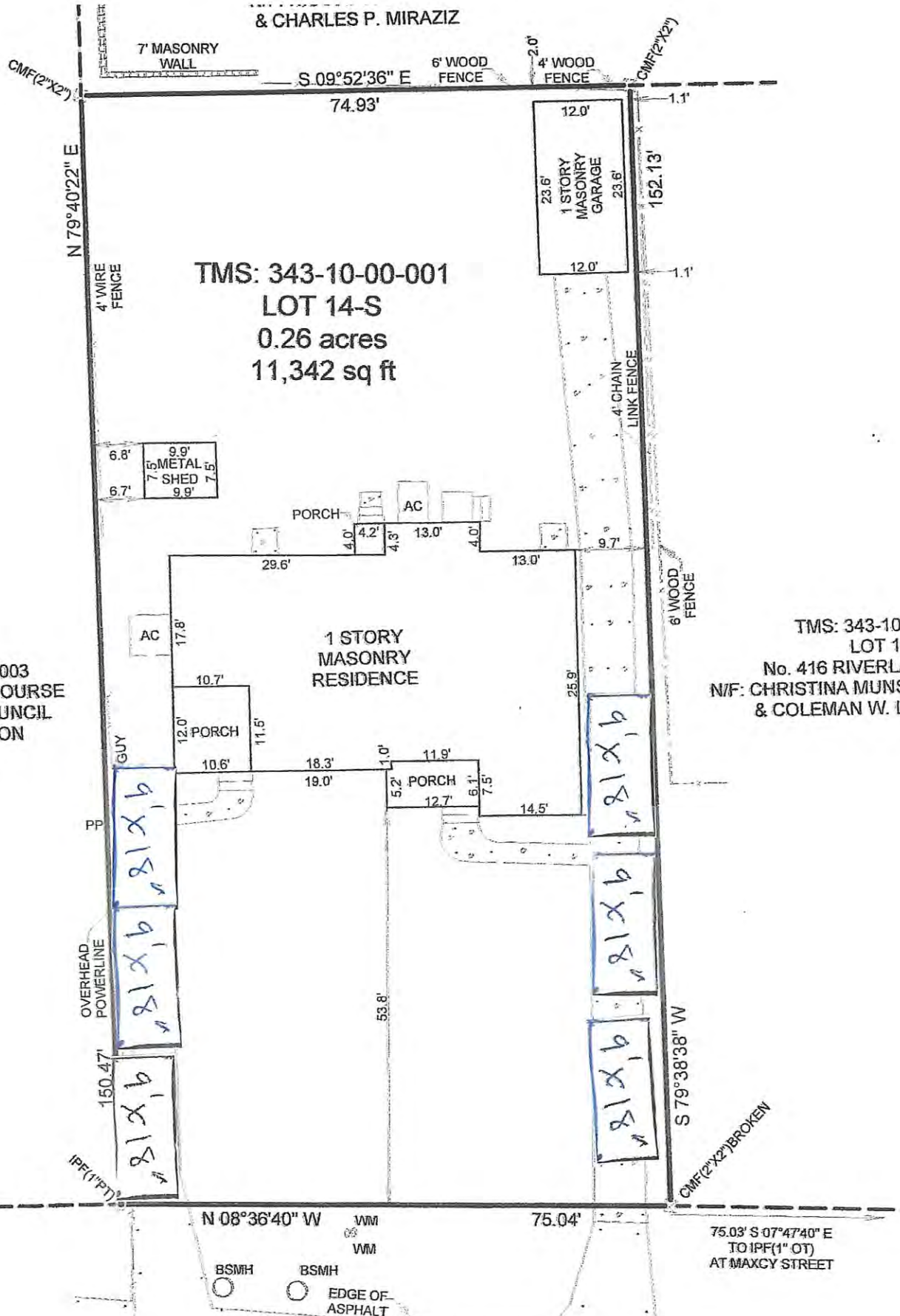
TMS: 343-10-00-001

ALEXANDER C. PEABODY, PLS
 PEABODY & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYING
 P.O. BOX 22646, CHARLESTON, SC 29413
 OFFICE 843-723-5225 MOBILE 843-270-4847



CHARLESTON COUNTY
 SOUTH CAROLINA

& CHARLES P. MIRAZIZ



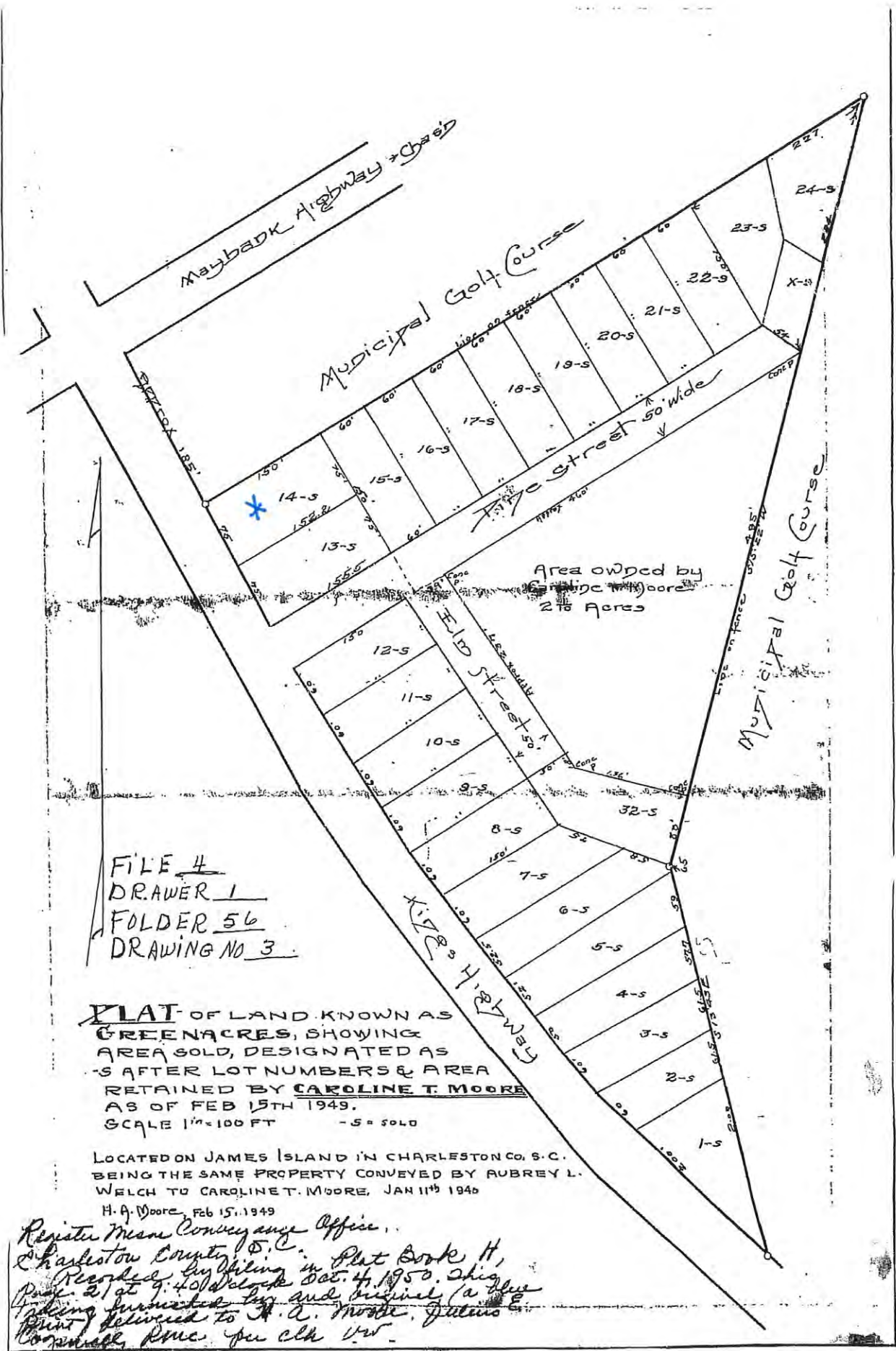
TMS: 343-00-00-003
MUNICIPAL GOLF COURSE
N/F: THE CITY COUNCIL
OF CHARLESTON

TMS: 343-10-0-
LOT 13
No. 416 RIVERLAND
N/F: CHRISTINA MUNSC
& COLEMAN W. LA'

ADDRESS IS No.415
F/K/A No. 412A & 412B

RIVERLAND DRIVE (R/W VARIES)

(FORMERLY KNOWN AS KINGS HIGHWAY



FILE 4
 DRAWER 1
 FOLDER 56
 DRAWING NO 3

PLAT OF LAND KNOWN AS
GREENACRES, SHOWING
 AREA SOLD, DESIGNATED AS
 -S AFTER LOT NUMBERS & AREA
 RETAINED BY CAROLINE T. MOORE
 AS OF FEB 15TH 1949.
 SCALE 1" = 100 FT -S = SOLD

LOCATED ON JAMES ISLAND IN CHARLESTON CO. S. C.
 BEING THE SAME PROPERTY CONVEYED BY AUBREY L.
 WELCH TO CAROLINE T. MOORE, JAN 11th 1946

H. A. Moore, Feb 15, 1949

*Register Mean Conveyance Office,
 Charleston County, S. C.
 Recorded by filing in Plat Book H,
 Page 21 at 9:40 AM on Dec. 4, 1950. This
 filing furnished by and original (a blue
 print) delivered to H. A. Moore, Julius
 Connerly, Rome, per clk. W.W.*