

RECEIPT

DATE 3/20/14

No. **513878**

RECEIVED FROM Walker Gressette

\$ 150.00

One Hundred Fifty and 00/100 — DOLLARS

FOR RENT
 FOR 334 Meeting Street

ACCOUNT	
PAYMENT	<u>1014</u>
BAL. DUE	

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM B2A2

BY PA



City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- A Variance and/or Special Exception as indicated on page 2 of this application.
- Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
- Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: April 18, 2017

Property Address 334 Meeting Street TMS # 459-13-03-022

Property Owner Dewberry 334 Meeting Street, LLC Daytime Phone 843-727-2208

Applicant Dewberry 334 Meeting Street, LLC Daytime Phone 843-727-2208

Applicant's Mailing Address c/o G. Trenholm Walker, PO Box 22167, Charleston, SC 29413

E-mail Address Walker@wgflaw.com

Relationship of applicant to owner (same, representative, prospective buyer, other) Representative/Attorney

Zoning of property BR and DR-1F

Information required with application: (check information submitted)

- Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
- Plans or documents necessary to show compliance with special exception requirements (3 sets)
- Check, credit card or cash (make checks payable to the City of Charleston)
- YES or NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- Photographs
- Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant [Signature] Date March 20, 2017

For office use only	Date application received _____	Time application received _____
Staffperson _____	Fee \$ _____	Receipt # _____

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use 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. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

Applicant seeks to amend existing special exception for hotel to add small bar to limited uses on top floor and to change closing time from 10 PM to midnight. See attached explanation.

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Attachment to Application for Amendment to Special Exception
The Dewberry – TMS 459-13-03-022

On April 5, 2011, the Board of Zoning Appeals – Zoning granted the Applicant a special exception under Section 54-220 to allow a 161-room inn in a GB-A zone district and a special exception under Section 54-110 to allow an addition that extends a non-conforming building height. A copy of this BZA approval is attached hereto as Exhibit 1. The special exceptions were subject to the list of conditions attached to the approval, including the additional handwritten condition that any activities to occur on the open rooftop must end at 10 PM. The floor plan for the rooftop that was approved showed the entire interior area as "Spa/Fitness" with the exterior rooftop to the South shown as a swimming pool and pool deck and the remainder of the exterior rooftop shown as primarily an inaccessible green roof. A copy of this initial floor plan for the rooftop that was approved is attached hereto as Exhibit 2.

Amendment to Special Exception to Add Uses to Rooftop

After receiving the engineering and cost estimates for the swimming pool, the Applicant decided to eliminate the swimming pool and to modify the floor plan for most of the rooftop, also called the eighth floor. The Applicant changed the floor plan to include a function room (called the "Rivers Room"), a reading room, a small bar called the Citrus Club, and a pantry area to serve the Citrus Club. In place of the pool and pool deck, the Applicant created a small outside sitting area on the Southwest corner of the rooftop and a small yoga fitness area on the terrace on the Southeast corner of the rooftop. The Applicant also installed wood pavers around the entire remaining exterior of the rooftop

with this pathway also serving as the exterior means of egress in case of emergency. The Applicant moved the spa to the second floor of the hotel.

The Applicant constructed the eighth floor and rooftop area according to the modified floor plan. A copy of the modified floor plan is shown on the zoning permit for the eighth floor attached hereto as Exhibit 3. According to the terms of the zoning permit (Exhibit 3 hereto) the Applicant was prohibited from using the Citrus Club, pantry, and reading room since their uses vary from those uses in the 2011 special exception approved by the BZA-Z. Also, the Applicant has been prohibited from using the paver pathway in the Northeast corner of the rooftop.

This Application seeks to modify the 2011 special exception to allow the existing floorplan and proposed uses for these three areas on the interior of the eighth floor. The proposed modified uses for the eighth floor are all accessory to hotel use, are typical uses for a hotel of this nature, and completely conform to these same uses already in operation in other locations in the hotel. Rather than expanding the uses already approved for the hotel, the application simply devotes three small areas on the eighth floor to those same existing uses.

This application also seeks to modify the approved uses of the exterior terrace on the rooftop. The Applicant seeks approval to use the terrace on the South side of the rooftop for an exterior yoga fitness area and for a small outside sitting area associated with the Citrus Club rather than for a pool and pool deck. These two uses are both extensions of the uses on the interior of the eighth floor. Applicant will not allow any amplified music on the rooftop terrace in either location nor allow any activities in these two outside terrace areas that might be disruptive in any way.

The Applicant also seeks permission for access to the exterior paver walkway around the remaining portions of the exterior rooftop that has been restricted to "Employees Only Emergency Exit," as shown on Exhibit 3. At this time there is no reasonable basis for the restriction. Upon information and belief, the prohibition of use of the Northeast corner was the result of concerns about Second Presbyterian Church. The Applicant has been in touch with the pastor and believes there is no objection to allowing persons on this area of the rooftop.

Amendment to Special Exception to Extend Hours of Operation until Midnight

The Applicant also seeks to amend its Special Exception to allow the entire exterior area of the rooftop terrace to be opened until midnight rather than 10 PM as specified in the conditions to the Special Exception. The sitting area for the Citrus Club is on the Marion Square side of the building. Planters and a hedge that are five feet tall separate this outside sitting area from the outside yoga fitness area on the Southeast corner of the terrace. Since there are no immediate residential neighbors on the Southwest corner of the rooftop and there will be no amplified music, there will be no impact to the residential areas far to the East of the hotel. Allowing the Citrus Club and associated sitting area to be open until midnight will be more in keeping with the hours for this type of use and would avoid having to run hotel guests off the rooftop terrace prematurely at 10 PM. Additionally, allowing pedestrian access to the walkway around the remainder of the building will not have any impact on the neighborhood as well. The extension of the hours until midnight for the exterior of the rooftop will not result in any harm to the residential neighborhood since there will be no negative impact from any of the limited activities on the exterior rooftop at any hour.

Building elevations: For purposes of completing the application, attached hereto as Exhibit 4 are the elevations of the building that were submitted with the 2011 application. These remain unchanged.

EXH 1



City of Charleston
South Carolina

Joseph P. Riley, Jr.
Mayor

Timothy J. Keane
Director

Department of Planning, Preservation and Sustainability

April 25, 2011

Gibson Guess Architecture
12-B Vanderhorst Street
Charleston, SC 29403


Re: 334 Meeting Street (TMS# 459-13-03-022)

Dear Mr Wingfield:

Please see attached documents of the decision from the April 5, 2011 meeting of the Board of Zoning Appeals-Zoning concerning the above referenced application.

If I may be of any further assistance, please do not hesitate to contact me at (843) 724-7177.

Sincerely,


Pennyc Ashby
Zoning Planner

Enclosures

334 Meeting Street
BZA-Z Decision and Conditions
April 5, 2011

At the meeting of the Board of Zoning Appeals-Zoning held on April 5, 2011, the Board voted to approve the special exception under Section 54-110 for the extension of a non-conforming building height and the special exception under Section 54-220 for a 161 room hotel with the following conditions:

- (1) Adequate parking for employees who drive is to be provided on site or in some other parking facility;
- (2) Install wall along east side property line as shown on the plans at the option of each neighboring property owner and provide intensive landscaping;
- (3) All collection of refuse from dumpsters and commercial deliveries or pick-ups shall be limited to between 8 am and 6 pm;
- (4) No exterior amplified music shall be permitted;
- (5) Valet parking shall continue to be provided for on site parking of cars as long as this building is operated as a hotel and no valet parking of cars on streets in the neighborhood shall be permitted;
- (6) No deliveries to be made on Charlotte Street, only in service area on hotel property;
- (7) Parking lot driveways on Charlotte Street and Henrietta Street shall be modified and signed to direct vehicles to Meeting Street;
- (8) Landscape improvements shown on plans to be installed.
- (9) All activity outside on the roof shall stop at 10 pm;
- (10) Additional buffering around the rooftop deck shall be provided at the roof edge; and
- (11) The City also commits to not allowing a loading zone on Charlotte Street to accommodate commercial vehicles, altering the sign at Charlotte and East Bay Streets to read "No Trucks" (the statement "Except Local Deliveries" would be eliminated), and converting Henrietta Street to a one-way westbound street, except for the section between Meeting Street and the 334 Meeting Street driveway closest to Meeting Street, which shall remain two-way.



City of Charleston

PROPERTY LOCATION, TMS NUMBER(S) AND DESCRIPTION OF REQUEST(S):

334 MEETING ST. (MAZYCK-WRAGGBOROUGH) (459-13-03-022)

Request special exception under Section 54-220 to allow a 161-room inn in a GB-A zone district.
(Approval granted on 3-16-10 was for a 120-room inn).

Request special exception under Section 54-110 to allow an addition that extends a non-conforming building height.
Zoned GB-A.

Order on Special Exception Request

The Board of Zoning Appeals-Zoning held a public hearing to consider the above appeal for a special exception which may be permitted by the Board pursuant to the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

DENIED. The Board concludes that the standards in the Section(s) of the Zoning Ordinance listed above, which are applicable to the requested special exception(s), have not been met and therefore orders that the special exception(s) be denied.

APPROVED. The Board concludes that the standards in the Section(s) of the Zoning Ordinance listed above, which are applicable to the requested special exception(s), have been met and therefore orders that the special exception(s) be granted, subject to the following conditions, if any:

_____ 8 AM - 6 PM
_____ actually - reservation 10 PM

Date issued: 4/5/11 Chairman [Signature] approval approved. (See attached)

Order on Variance Request

The Board of Zoning Appeals-Zoning held a public hearing to consider an appeal for a variance from the strict application of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of facts and conclusions.

DENIED. The Board concludes that the requirements for granting a variance have not been met and, therefore, orders that the variance be denied.

APPROVED. The Board concludes that:

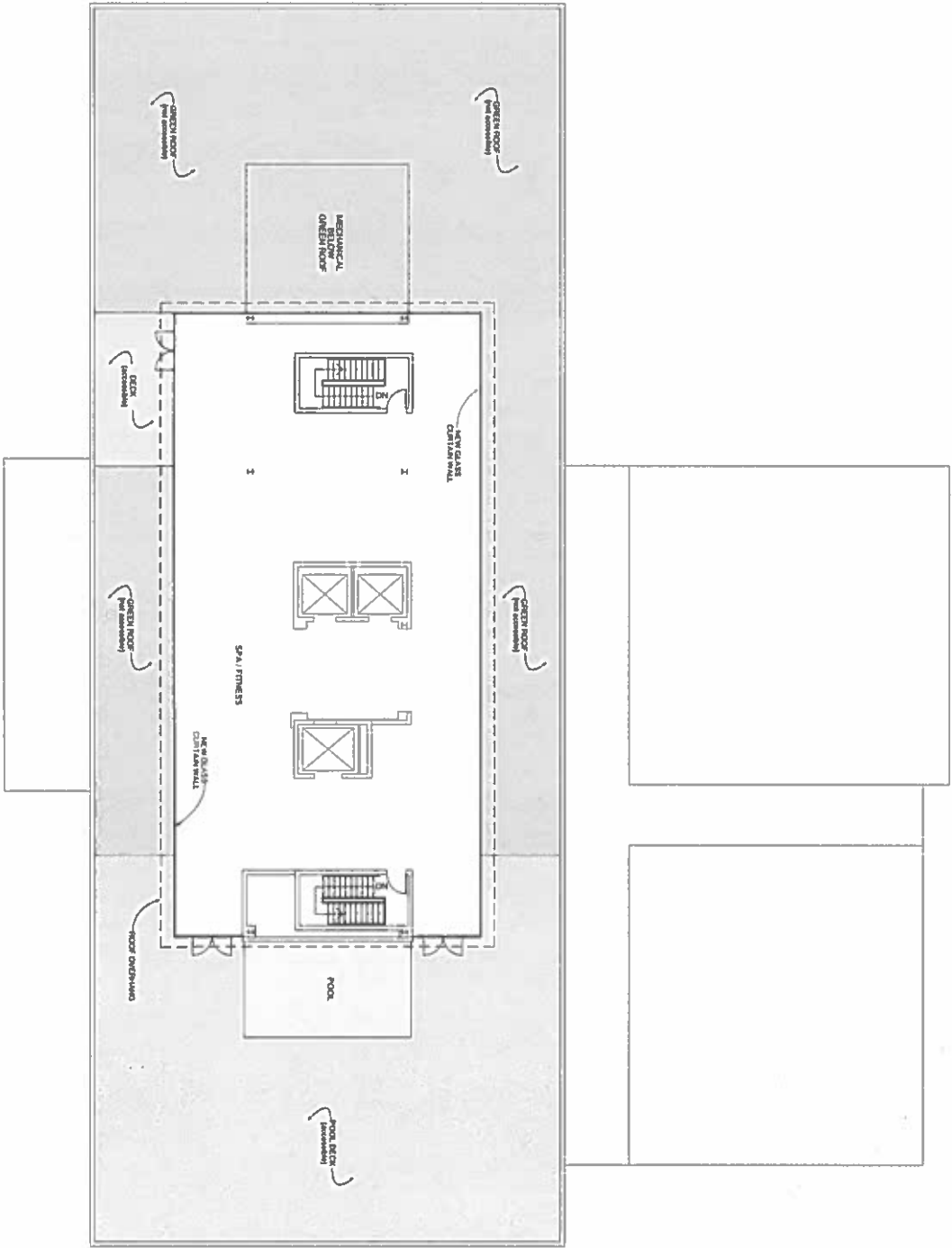
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. Authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

THE BOARD, THEREFORE, finds that the applicant has an unnecessary hardship and orders that the variance be granted, subject to the following conditions, if any: _____

Date issued: _____ Chairman _____

Approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Section 54-962. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

2



1
 1/8" = 1'-0"
 ROOF PLAN - PROPOSED

A102
 FLOOR
 PLANS

THE FEDERAL BUILDING

334 MEETING ST
 CHARLESTON SC 29403
 TMS 4591303022

ARCHITECT: RTKL
 110 South Street
 Charleston, SC 29403
 803.733.1100
 www.rtkl.com

ENGINEER: HOK
 110 South Street
 Charleston, SC 29403
 803.733.1100
 www.hok.com

DATE: 10/15/14
 DRAWN: J. [unreadable]
 CHECKED: [unreadable]
 APPROVED: [unreadable]