

**TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
Town Hall
1122 Dills Bluff Road, James Island, SC 29412
BZA AGENDA
November 15th, 2022
5:00 PM**

NOTICE OF THIS MEETING WAS POSTED IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT

(VISIT THE TOWN'S YouTube CHANNEL TO VIEW LIVE)

Members of the public addressing the Board in support or opposition of these cases at Town Hall must sign in. Social distancing will be in place. The Town invites the public to submit comments on these cases prior to the meeting via email to kcrane@jamesislandsc.us referencing the Case #.

- I. CALL TO ORDER
- II. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT
- III. INTRODUCTIONS
- IV. BRIEF THE PUBLIC ON THE PROCEDURES OF THE BZA
- V. ADMINISTER THE OATH TO THOSE PRESENTING TESTIMONY
- VI. REVIEW OF THE FOLLOWING APPLICATIONS:
 1. **(RESUMED)**
CASE #BZAV-9-22-030
Variance request for the removal of two grand trees (44" DBH Live Oak and 37.5" DBH Live Oak) in the Right-of-Way of Camp Road (1182 Fort Johnson Road) for intersection improvements at Camp Road and Fort Johnson Road.
 2. **CASE #BZAP-10-22-026**
Appeal of Zoning-Related Administrative Decision (Home Occupation Bed and Breakfast permit denial at 1027 Grand Concourse Street) in the RSL (Low-Density Suburban Residential) Zoning District (TMS #428-11-00-005)
- VII. ADDITIONAL BUSINESS:
 1. Next Meeting Date: December 20th, 2022
- VIII. ADJOURN

*Full packet available for public review Monday through Friday during normal business hours.

Variance Application

Town of James Island Board of Zoning Appeals

Town of James Island
Zoning/Planning Department
1122 Dills Bluff Road
James Island, SC 29412
Phone 843-795-4141
Fax 843-795-4878
www.jamesislandsc.us



This application must be complete and submitted in person to the Town of James Island Zoning/Planning Department in order to apply for a Variance. 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 Variance application signed by the current property owner(s).
- 2) Copy of **Current Recorded Deed** to the property (Owner's signature must match documentation). 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 Affidavit(s)** 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 §153.049 F. All proposed Variances, except single family, 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, Pine, Sweetgum, SC Invasive Pest Trees are exempt), wetlands(properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on site plan or plat), holding basins and buffers when applicable.
One 24 x 36 copy & fifteen (15) 11 x 17 copies.
- 6) Copy of a legible **Approved and Recorded Plat** showing present boundaries of property.
- 7) **Fee \$250** check made out to "Town of James Island". Grand tree variances add \$50 each additional tree

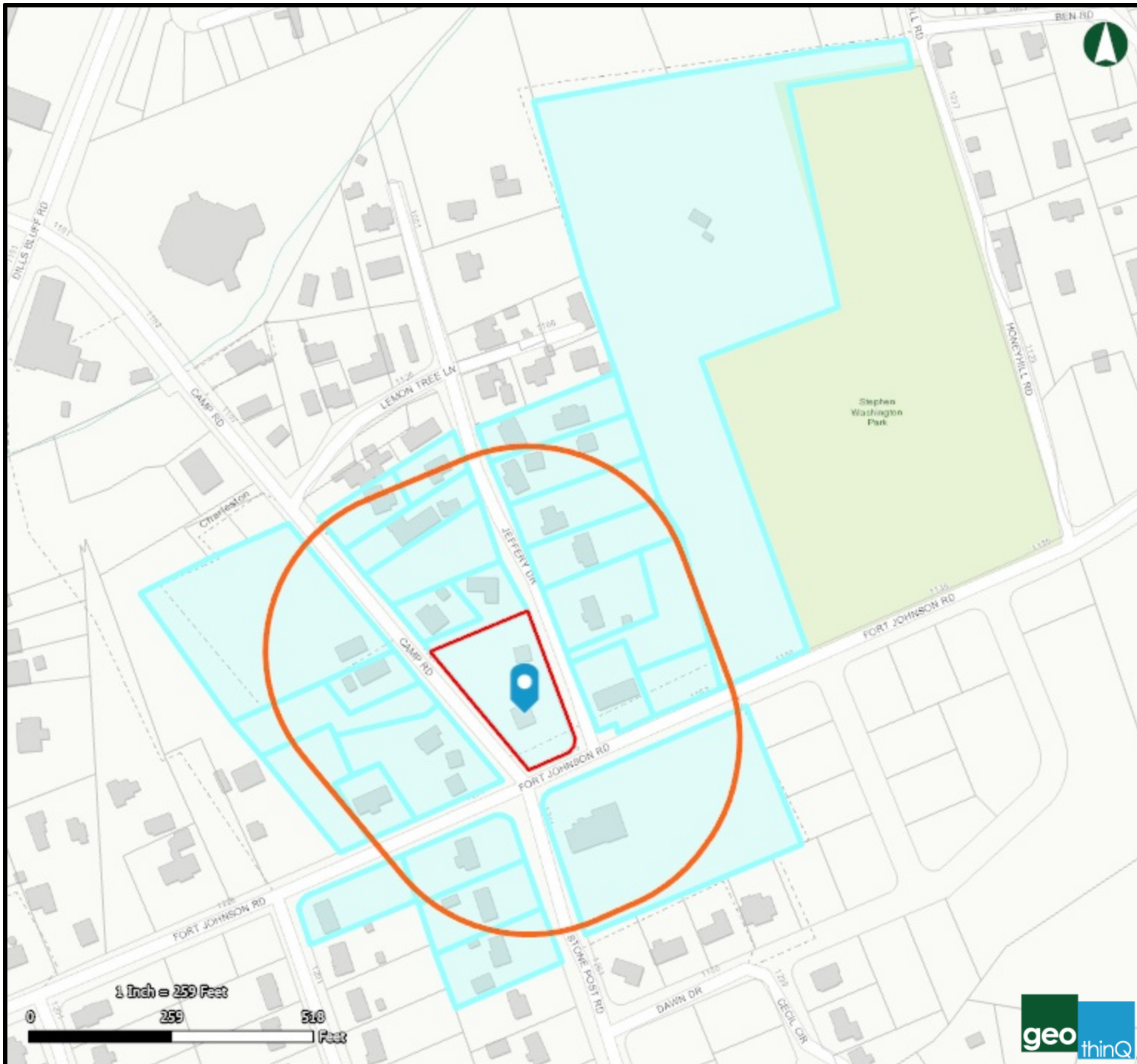
Applicant Name:	John Martin, Transportation Project Manager, Charleston County Public Works		
Mailing Address:	4045 Bridge View Drive		
City, State, Zip Code:	N. Chas, SC 29405	Daytime Phone:	843-202-6139
Email Address:	jpmartin@charlestoncounty.org		
Subject Property Address:	Camp Road and Fort Johnson Road, in front of 1182 Camp Road		
Present Use of Property:	Right of Way for Camp Road		
Variance Description:	Removal of 2 Grand Trees		

09/01/2022
 Applicant Signature Date

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	Date	Owner Mailing Address
Owner Signature	City, State, Zip Code	

FOR OFFICE USE ONLY:	
Application #: <u>BZAV-9-22-030</u>	Flood Zone: _____
Zoning District: <u>N/A</u>	Fee Paid (\$250): _____
Date Filed: <u>9/1/2022</u>	Zoning Officer: _____
TMS#: <u>N/A</u>	



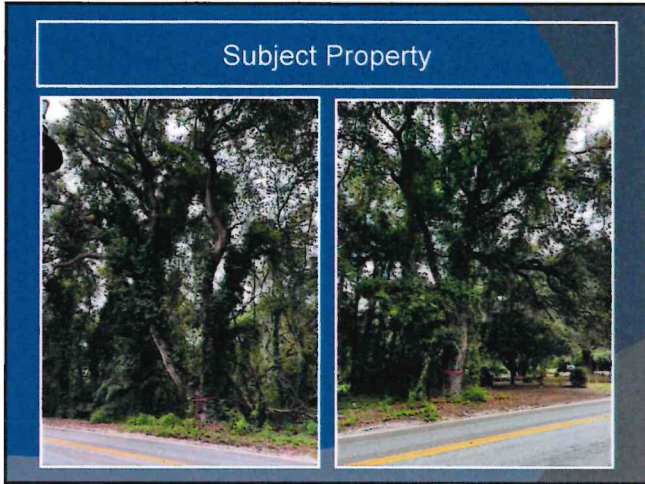
Town of James Island
South Carolina



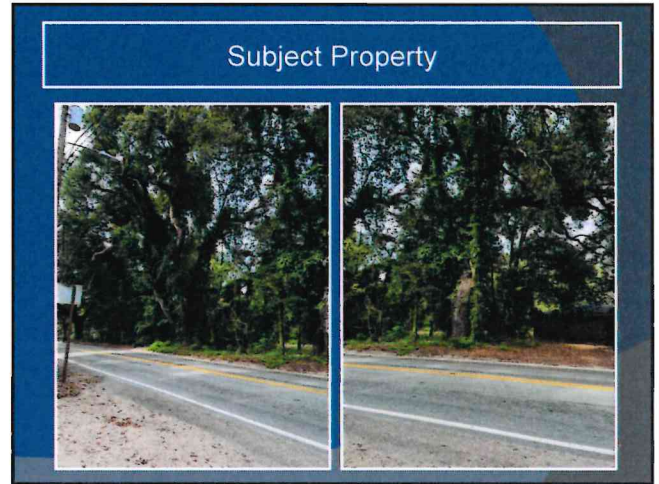
Camp/Fort Johnson Rd Intersection Radius Map

300' Buffer
09/28/2022

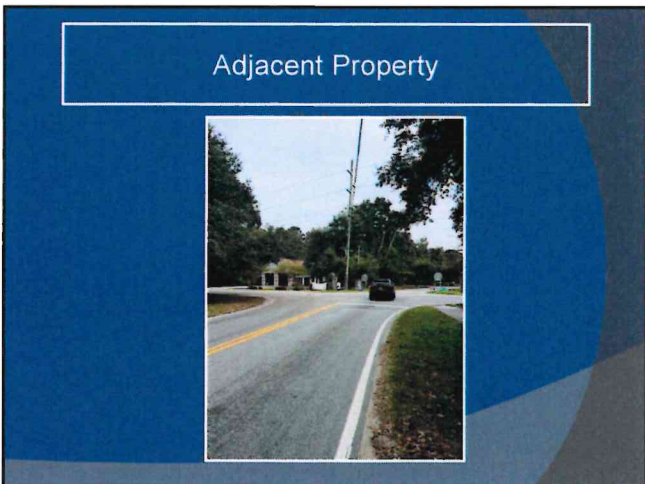




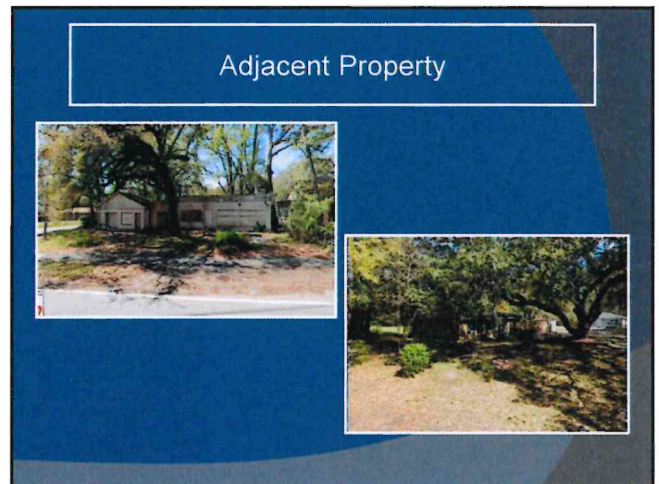
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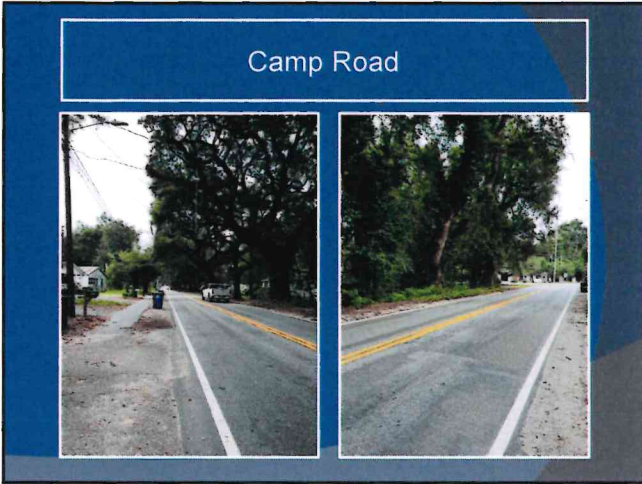
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21

Staff Review:

Charleston County Transportation is requesting a Variance for the removal of two grand trees (44" DBH Live Oak and 37.5" DBH Live Oak) for intersection improvements at the intersection of Camp Road and Fort Johnson Road, in the Right-of-Way (ROW) adjacent to 1182 Fort Johnson Road. Adjacent property to the northeast and southwest quadrants of the intersection are zoned Low-Density Suburban Residential (RSL) in the Town of James Island. Adjacent property to the southeastern quadrant of the intersection is zoned Single-family Residential (SR-1) in the City of Charleston and houses Charleston Fire Department Station 7. The northwestern quadrant is also in the City of Charleston, zoned Commercial Transitional (CT) and has an abandoned building located on it.

Town of James Island Zoning and Land Development Regulations Ordinance, §153.334 (A) (4) Tree Protection and Preservation defines "Grand Tree: Any species of tree measuring 24 inches or greater diameter breast height (DBH) except pine and sweet gum. All GRAND TREES are prohibited from removal unless a grand tree removal permit is issued."

The Charleston County staff-recommended alternative for the intersection (Recommended Option #1, attached) is an "urban compact roundabout" and has the least impact on grand trees and adjacent properties. These impacts include the removal of a 37.5" DBH Live Oak (Grade C according to a certified arborist) and a 44" DBH Live Oak (Grade C w/hollow base according to a certified arborist). The requested trees are to be removed to accommodate the improvements which include safety, drainage, sidewalks, and buffer improvements.

Please review the attached documents for further information regarding this request.

Findings of Fact:

According to §153.049 F, Zoning Variance Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR), The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Appeals makes and explains in writing the following findings:

F. (a): *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

Response: **There may be extraordinary and exceptional conditions pertaining to this project area due to the large number of trees that currently line the right-of-way and the "many utilities within the project area causing conflicts and obstructions" according to the applicant's letter of intent. The letter of intent**

also explains, *“the grand trees proposed for removal are in the existing SCDOT Right-of-Way”* and the *“proximity of the grand trees is very close to the edge of pavement.”*

F (b): *These conditions do not generally apply to other property in the vicinity;*
Response: **Other properties are within the project limits; however, these conditions do not apply anywhere else in the vicinity and any healthy grand trees in the area will not be impacted by the project or the installation of the drainage structures required. Additionally, the letter of intent explains, *“many efforts have been taken to minimize impact of all the grand trees.”***

F (c): *Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;*
Response: **The application of this Ordinance, specifically section §153.334, Required Tree Protection, may not restrict the utilization of the property as it is currently being used; however, it will effectively prohibit the implementation of the construction project for *“safer roads and better traffic circulation as well as a safer pedestrian crossing”* and to *“aid in drainage and flooding”*, as the letter of intent explains.**

F (d): *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;*
Response: **The authorization of this variance will not be a detriment to adjacent property or to the public good because the *“the removal of the two grand trees will allow safer and better traffic circulation at the intersection”* according to the applicant. The character of the zoning district will not be harmed by the granting of the variance.**

F (e): *The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a non-conforming use of land or to change the zoning district boundaries shown on the Official Zoning Map;*
Response: **The variance does not allow a use that is not permitted in this zoning district, nor does it extend physically a nonconforming use of land or change the zoning district boundaries.**

F (f): *The need for the variance is not the result of the applicant’s own actions; and*

Response: The need for the variance is not the result of the applicant's own actions because the size and location of grand trees are existing site conditions, as previously stated. Additionally, the need for the variance, as the letter of intent explains, and previously stated is to *"allow safer and better traffic circulation at the intersection."*

F (g): *Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.*

Response: This variance may not conflict with the *Comprehensive Plan*, specifically the Transportation Element Needs of *"Mitigating the impacts of a changing population on the existing transportation system"*, with a Strategy to *"ensure that roads are constructed in a way that promotes safe vehicle passage and pedestrian/bicycle use and provides sufficient drainage"* and to *"work with appropriate agencies to investigate how to improve roads within the Town"*

In granting a Variance, 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 (§153.045 E 2).

Action:

The Board of Zoning Appeals may approve, approve with conditions or deny Case # BZAV-9-22-030 (Variance Request for the removal of two grand trees: 44" DBH Live Oak and 37.5" DBH Live Oak for intersection improvements) based on the "Findings of Fact" listed above, 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:

1. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall install tree barricades around the protected trees on the property, as described in §153.334 of the *Ordinance*, throughout the duration of construction.
2. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall provide documentation that the protected trees in the project area have been pruned and fertilized as recommended by a Certified Arborist, in order to mitigate potential damage to the trees caused by construction.

3. The applicant/owner shall mitigate the removal of the grand trees by submitting a mitigation plan to the Zoning Administrator, as described in 153.334 (E) (2) of the *Ordinance*.



October 10, 2022

Ms. Kristen Crane
Planning Director
Town of James Island, SC
1122 Dills Bluff Rd.
James Island, SC 29412

Dear Ms. Crane;

Charleston County is engaged in improving the intersection of Camp Road and Fort Johnson Road. The intention is to engineer and construct a Roundabout for the intersection thus improving safety and traffic.

Unfortunately, as part of this improvement, the removal of 2 Grand trees will be necessary. A 44" Live Oak and a 37.5" Live Oak along the west side of Camp Road within the existing SCDOT Right of Way, will need to be removed for the construction of a stormwater pipe associated with the project.

The project team has created several designs for the road improvement. The initial preliminary designs removed as many as 16 Grand trees. Since then, the design has heavily evolved to allow many of the Grand Trees to remain, the preferred option now only requesting the removal of 2 Grand trees. Per Article 153.049 in the Town of James Island ZLDR, we wanted to explain and address the Criteria for Variances as follows:

- A. The site contains extraordinary and exceptional conditions as noted:
 - a. There is a large amount of existing Grand Trees in the project area.
 - b. The Grand Trees proposed for removal are in the existing SCDOT Right of way.
 - c. The area does occasionally flood, the new storm water pipes that will be place where the tree are, will address flooding issues.
 - d. Additionally, there are many utilities within the project area causing conflicts and obstructions.
- B. These conditions do not apply anywhere else on the site. The proximity of the Grand Trees is very close to the edge of pavement and within the current ROW. Many efforts have been taken to minimize impact of all the Grand Trees.
- C. The conditions of the site are requiring the installation of a Stormwater Pipe to aid in drainage and flooding. Without the installation of the pipe in this location, proper drainage cannot be achieved. Furthermore, the removal of the



Grand Trees does not restrict the utilization of the property for current or future use.

- D. The Variance will not be of substantial detriment to adjacent properties or the public good. The area contains many other Grand Trees in the SCDOT ROW and on private lands. The removal of 2 Grand Trees will allow safer and better traffic circulation at the intersection.
- E. By granting this Variance, the BZA is not allowing the establishment of an otherwise permitted or non-conforming use. This request does not allow for the change in use or change in the zoning district.
- F. This Grand Tree Variance request is a result of improving the intersection of Camp and Fort Johnson Road. This project is for the Public good and not a result of the County's own actions.
- G. By granting this Variance the BZA will not be in conflict with the Comprehensive Plan or any other purposes of the Ordinance.

In summary, the request to remove these 2 Grand Trees is to improve the intersection for the public good. Safer roads and better traffic circulation as well as a safer pedestrian crossing. The design team sought several solutions to minimize the removal of Grand Trees. This request is the least invasive option.

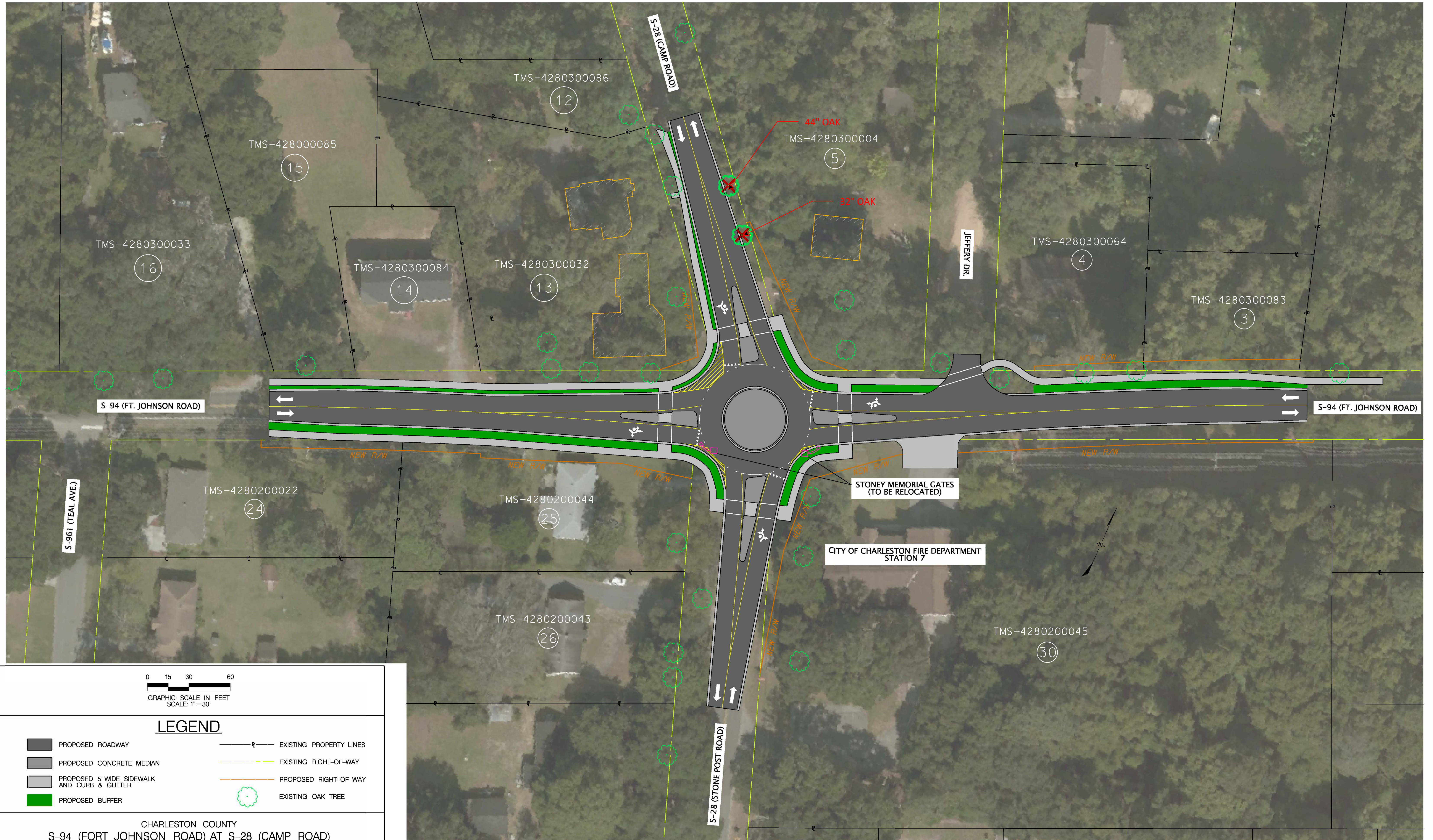
Sincerely,
ESP Associates, Inc.

A handwritten signature in blue ink that reads "Keane McLaughlin".

Mr. Keane McLaughlin, PLA, AICP
Planning Department Manager
ESP Associates, Inc.
2154 North Center Street, Suite E-503
N. Charleston, SC 29406

Recommended Option (#1)

URBAN COMPACT ROUNDABOUT
S-94 (FT. JOHNSON RD.) AT S-28 (CAMP RD.)



0 15 30 60
GRAPHIC SCALE IN FEET
SCALE: 1" = 30'

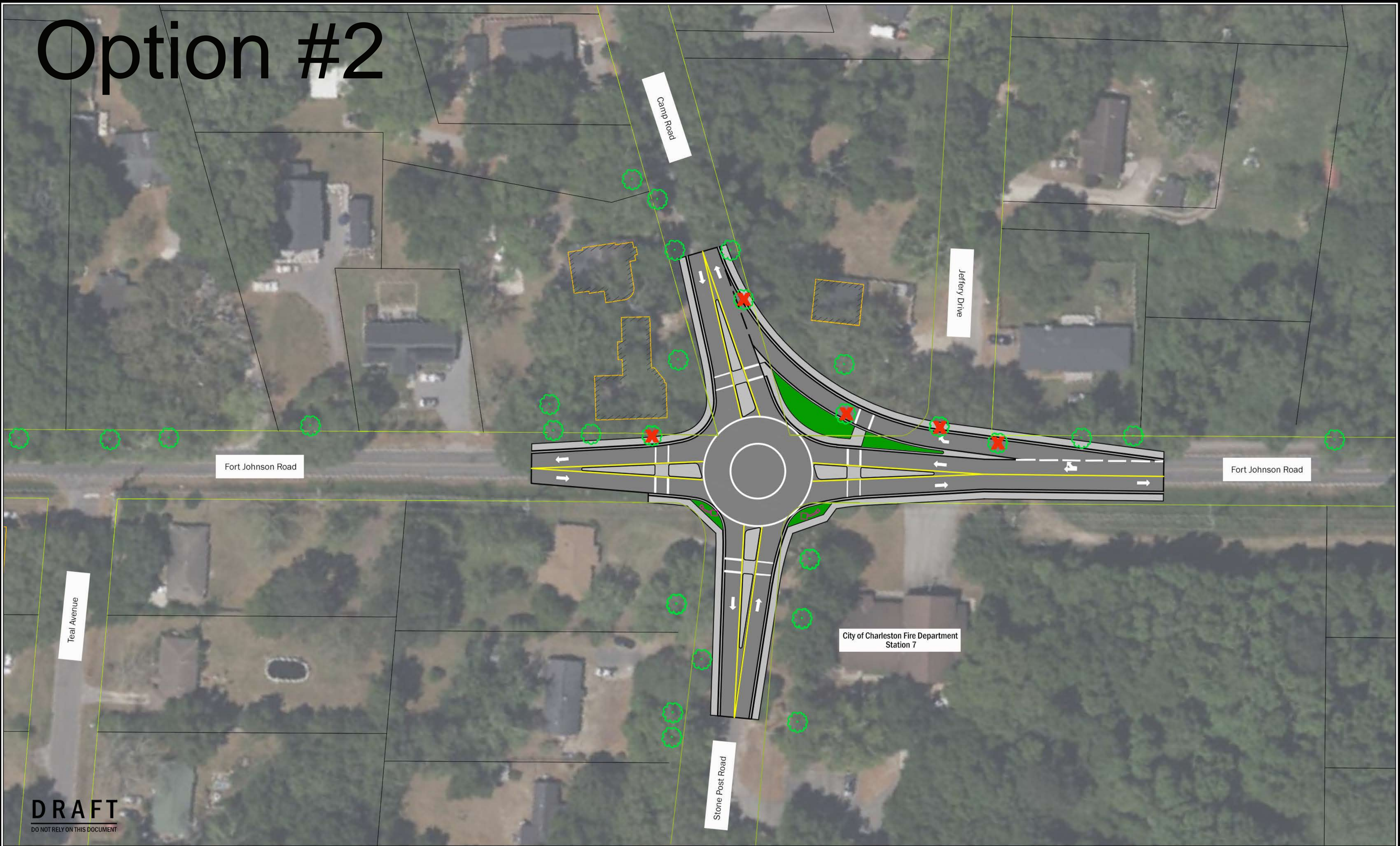
LEGEND

- | | | | |
|--|---|--|-------------------------|
| | PROPOSED ROADWAY | | EXISTING PROPERTY LINES |
| | PROPOSED CONCRETE MEDIAN | | EXISTING RIGHT-OF-WAY |
| | PROPOSED 5' WIDE SIDEWALK AND CURB & GUTTER | | PROPOSED RIGHT-OF-WAY |
| | PROPOSED BUFFER | | EXISTING OAK TREE |

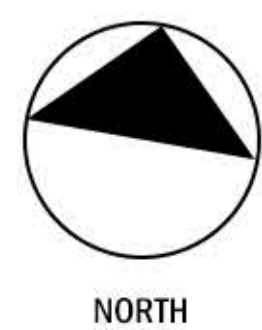
CHARLESTON COUNTY
S-94 (FORT JOHNSON ROAD) AT S-28 (CAMP ROAD)
INTERSECTION IMPROVEMENTS

Original number	Tree Number	DBH	Speices	Grade	Comments	Comments	Low hanging in Right-of-way	Condition
5165	1	44	Live oak	B				Good
5162	2	56	Live oak	B				Good
5161	3	28	Laurel oak	C			Yes	Fair
5159	4	39	Live oak	B			Yes	Good
	5	23	Laurel oak	C				Fair
5048	6	30	Live oak	C	Utility prune	Storm damage		Fair
6816	7	9-13	Live oak	D	Utility prune	Decay		Poor
5047	8	32	Laurel oak	D	Broken top	Decay		Poor
5046	9	32	Live oak	C	Utility prune			Fair
5045	10	44	Laurel oak	D	Utility prune	Hollow		Poor
5050	11	44	Live oak	C	Vines	Hollow base		Fair
5049	12	37.5	Live oak	C	Vines			Fair
5081	13	54.5	Live oak	B			Yes - Pruning Req'd	Good
5080	14	90	Live oak	B			Yes - Pruning Req'd	Good
5082	15	44.5	Live oak	B			Yes	Good
5097	16	41.5	Live oak	B			Yes	Good
5137	17	20-20	Sweet gum					#N/A
5066	18	33	Live oak	B			Yes - Pruning Req'd	Good
5067	19	45	Laurel oak	C	Utility prune	Poor form		Fair
5069	20	43	Live oak	B			Yes	Good
6225	21	21.5	Pecan	F	Dead			Poor
5071	22	29.5	Live oak	B				Good
5072	23	26.5	Pecan	F	Broken top	Decay		Poor
5073	24	25	River birch	B				Good
7108	25	28	Pecan	C	Utility prune		Yes	Fair
7231	26	26	Pecan	C	Utility prune		Yes	Fair

Option #2

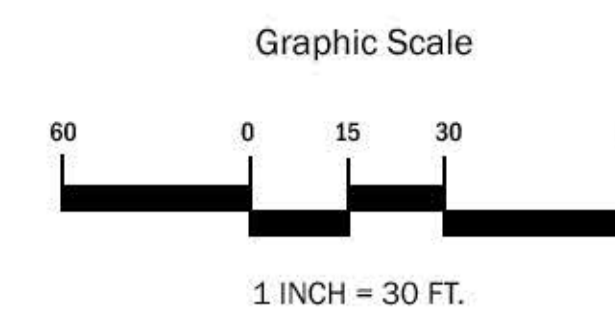


DRAFT
DO NOT RELY ON THIS DOCUMENT



Camp Road Mini Roundabout Tree Mitigation (5)

ESP Job # KM68 September 27, 2022



Administrative Appeal Application

Town of James Island Board of Zoning Appeals

Town of James Island
Zoning/Planning Department
1122 Dills Bluff Road
James Island, SC 29412
Phone 843-795-4141
Fax 843-795-4878
www.jamesislandsc.us



This application must be complete and submitted in person to the Town of James Island Zoning/Planning Department in order to apply for an Administrative Appeal. 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 Administrative Appeal application signed by the current property owner(s).
- 2) Copy of **Current Recorded Deed** to the property (Owner's signature must match documentation). 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 Affidavit(s)** signed by the applicant or current property owner(s).
- 4) Answers to Appeal Questions
- 5) Copy of a legible **Approved and Recorded Plat** showing present boundaries of property
- 6) **Fee \$250** check made out to "Town of James Island"

EXHIBITS:

- EX. A: Deed
- EX. B: Plat
- EX. C: Owners' letter responding to Admin. Appeals Questions
- EX. C1: Home occupation app. Filed 10.4.22
- EX. C2: Zoning Admin.'s 10.4.22 email & attachments
- EX. C3: Zoning Admin.'s 10.12.22 email

Applicant Name: Spencer Ong

Mailing Address: 1027 Grand Concourse Street

City, State, Zip Code: Charleston, SC 29412 Daytime Phone: 703.899.2054

Email Address: spencerandcaitlinong@gmail.com

Subject Property Address: 1027 Grand Concourse St., Charleston, SC 29412

Present Use of Property: principal residence

Appeal Description: 10.4.22 Home Occupation app. "Not Approved" & 10.12.22 zoning admin.'s interpretation of Code

Applicant Signature [Signature]

Date 10/12/22

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 _____ Date _____ Owner Mailing Address _____

Owner Signature _____ City, State, Zip Code _____

FOR OFFICE USE ONLY:

Application #: BZAP-10-22-026

Flood Zone: _____

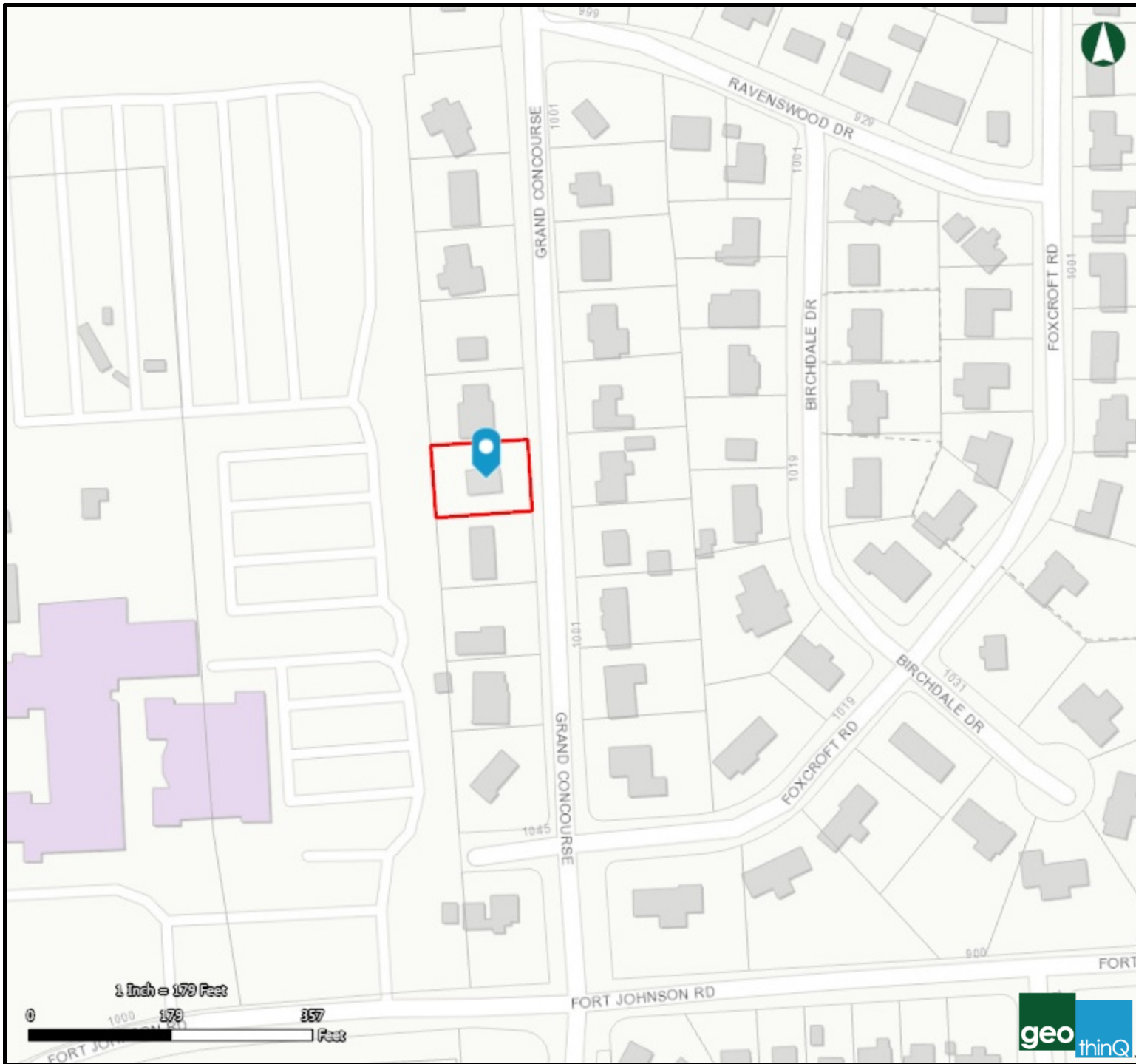
Zoning District: RSL

Fee Paid (\$250): ck# 173

Date Filed: 10/12/2022

Zoning Officer: KAC

TMS#: 428-11-00-005



Town of James Island
South Carolina



1027 Grand Concourse

BZA Map
10/31/2022





843.795.4141

Fax: 843.795.4878

Town Hall

1122 Dills Bluff Rd.

James Island, SC 29412

Zoning/Planning

CASE #BZAP-10-22-026

Appeal of Zoning-Related Administrative Decision (Home Occupation Bed and Breakfast permit denial at 1027 Grand Concourse Street) in the RSL (Low-Density Suburban Residential) Zoning District (TMS #428-11-00-005)

September 2022: Multiple emails and phone calls back and forth between applicant and TOJI Planning and Zoning staff concerning applicant's interest in utilizing detached unfinished 1975-built garage for use as a dwelling unit. Staff informed property owners of the density standard for RSL Zoning (max. of 3 dwelling units per acre) that could not be met to have another dwelling unit, due to size of property (0.269 acres existing).

9/7/2022(?): Property owners came in, all questions previously answered were answered in person, options given.

9/7/2022: Questions sent by property owner (email) answered by Flannery.

9/8/2022 – 9/12/2022: Multiple follow-up emails by property owner challenging answers received.

10/2/2022: Home Occupation application received (incomplete: no Bed & Breakfast application attached).

10/3/2022: Bed & Breakfast application was sent to property owner with a note to fill out complete application.

10/3/2022: After more correspondence regarding the application, instructions to fill out complete Bed & Breakfast application were once again sent.

10/4/2022: Bed & Breakfast application was received (incomplete).

10/4/2022: Home Occupation Bed & Breakfast denial was emailed to property owner.

10/7/2022: Administrative Appeal application sent to property owner.

10/12/2022: Administrative Appeal application received.

10/12/2022: Complete Bed & Breakfast application received.



Town of James Island Zoning and Land Development
Regulations Ordinance (ZLDR)

ADMINISTRATIVE APPEAL QUESTIONS

1. Applicant hereby appeals to the Board of Zoning Appeals from the action of the official affecting the property described on the application page.
Decision which is being appealed:

SEE EXHIBIT C, 10.12.22 letter from owners stating that owners are appealing the Zoning Administrator's 10.4.22 decision to mark owners' Home Occupation app. "Not Approved," and October 12, 2022 e-mail improperly attempting to require owners to attach their detached accessory structure to their principal structure.

2. Reason(s) applicant believed the decision to be in error:

SEE EXHIBIT C, 10.12.22 letter from owners explaining, among other things, that Code Sec. 153.070, density standards, are inapplicable per 153.013's unambiguous definition thereof.

3. Applicant contends that the correct interpretation of the Town of James Island Land and Development Regulations as applied to the property is:

SEE EXHIBIT C, 10.12.22 letter from owners stating that the Code does not prohibit or restrict owners' use of the existing detached accessory structure as a guest house for paying & non-paying guests.

4. Applicant requests the following relief:

Owners respectfully request that the BZA sustain the appeal, reverse the decision, & deem owners' Home Occupation application approved as of the date of filing 10.4.22

Applicant Signature:

Date:

10/11/22



BP1079530

PGS:

5

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that we, **MICHAEL M. BARTH AND CINDY R. BARTH, TRUSTEES OF THE BARTH REVOCABLE TRUST DATED APRIL 26, 2018** (hereinafter whether singular or plural the "Grantor") in the State aforesaid, for and in consideration of the sum of **FIVE HUNDRED FIFTY ONE THOUSAND AND 00/100 (\$551,000.00) DOLLARS**, and subject to the restrictions, exceptions and limitations as hereinafter set forth, if any, to the Grantor paid by **CAITLIN BROWN ONG AND SPENCER THOMAS ONG**, hereinafter whether singular or plural the "Grantee") have granted, bargained, sold and released, and, by these presents, do grant, bargain, sell and release unto **CAITLIN BROWN ONG AND SPENCER THOMAS ONG** as Joint Tenants with Rights of Survivorship and NOT as Tenants in Common, their Heirs and Assigns, forever, in fee simple, the following described real property, to-wit:

ALL that certain piece, parcel or lot of land, situated, lying and being in Ashcroft Hall, Section No. 1, James Island County of Charleston, State of South Carolina, more clearly shown and designated as Lot 5, Block G, Ashcroft Hall Subdivision, Section No. I, as shown on a plat by Sigma Engineers, Inc., entitled, "ASHCROFT HALL, SECTION NO. 1", which plat is dated April, 1966 and recorded April 21, 1966 in Book U at Page 100, in the RMC Office for Charleston County, SC.

SUBJECT to any and all restrictions, covenants, conditions, easements, rights of way and all other matters affecting subject property of record in the Office of the ROD for Charleston County, South Carolina.

THIS BEING the same property conveyed to Michael M. Barth and Cindy R. Barth by Deed of Christopher L. Anderson and Ginger B. Anderson, dated July 9, 2007 and recorded at Book M-631, page 663 in the RMC Office for Charleston County **FURTHER BEING** the same property conveyed to Michael M. Barth and Cindy R. Barth, Trustees of The Barth Revocable Trust by Michael M. Barth and Cindy R. Barth

Return to:

TERRA FLUTCH REAL ESTATE LAW LLC
125 RIVER LANDING DR. SUITE 203
CHARLESTON, SC 29402
(843) 377-8892

22.01 ong

EX. A

by deed dated April 26, 2018 dated the 26th day of April and recorded May 22, 2018 in Book 0720 at Page 383 in the aforesaid RMC Office for Charleston County.

TMS Number:

428-11-00-005

GRANTEE'S ADDRESS:

1027 Grand Concourse Street
Charleston, SC 29412

Together with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the said premises before mentioned unto **CAITLIN BROWN ONG AND SPENCER THOMAS ONG**, as Joint Tenants with Rights of Survivorship and NOT as Tenants in Common and their Heirs and Assigns forever.

And the Grantor does hereby bind the Grantor and the Grantor's Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantees hereinabove named and the Grantee's Heirs and Assigns against the Grantor and the Grantor's Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS our hands and seals this 8 day of February in the year of our Lord Two Thousand Twenty-One (2022).

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF:

BARTH REVOCABLE TRUST DATED

APRIL 26, 2018

[Signature]
Witness #1

[Signature]
MICHAEL M. BARTH, TRUSTEE

[Signature]
Witness #2

[Signature]
CINDY R. BARTH, TRUSTEE

NAMES MUST BE SIGNED EXACTLY AS THEY ARE TYPED

STATE OF SOUTH CAROLINA)	
)	ACKNOWLEDGMENT
COUNTY OF CHARLESTON)	
<p>THE FOREGOING instrument was acknowledged before me by Michael M. Barth and Cindy R. Barth, Trustees of the Barth Revocable Trust Dated April 26, 2018 on this <u>8</u> day of February, 2022.</p> <p><u>[Signature]</u></p> <p>NOTARY PUBLIC FOR SOUTH CAROLINA My Commission Expires: <u>11/20/27</u> WA-22-5740AS</p>		



OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

AFFIDAVIT

Date of Transfer of Title
February 14, 2022

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred by Michael M. Barth and Cindy R. Barth, Trustees of the Barth Revocable Trust Dated April 26, 2018 TO Caitlin ^{Brown} Vong and Spencer Vong ON 2/14/2022

3. Check one of the following: The deed is: Thomas
(a) x subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
(b) subject to the deed recording fee as a transfer between a corporation, a partnership or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
(c) EXEMPT from the deed recording fee because (Exemption n/a) (Explanation, if required: n/a If exempt, please skip items 4-6 and go to Item #7 of this affidavit.

4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
(a) x The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$551,000.00

(b) The fee is computed on the fair market value of the realty, which is n/a
(c) The fee is computed on the fair market value of the realty as established for property tax purposes which is n/a

5. Check YES or NO X to the following: A lien or encumbrance existed on the land, tenement or realty before the transfer and remained on the land, tenement or realty after the transfer. If "YES", the amount of the outstanding balance of this lien or encumbrance is n/a.

6. The DEED Recording Fee is computed as follows:
(a) \$ 551,000.00 the amount listed in Item #4 above
(b) 0.00 the amount listed on Item #5 above (no amount, please zero)
(c) \$551,000.00 subtract Line 6(b) from Line 6(a) and place the result here.

7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as Grantor, Grantee or Legal Representative.

8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year or both.

[Signature]
SIGNATURE OF GRANTOR, GRANTEE OR LEGAL REPRESENTATIVE

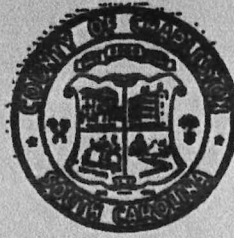
SWORN to before me this 14 day of February, 2022

[Signature] PRINTED NAME

NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 7/22



RECORDER'S PAGE



NOTE: This page MUST remain with the original document

Filed By:

TERRA FUTCH REAL ESTATE LAW
125 RIVER LANDING DR
STE 203
CHARLESTON SC 29492 (BOX)

RECORDED		
Date:	February 16, 2022	
Time:	5:47:07 PM	
<i>Book</i>	<i>Page</i>	<i>DocType</i>
1079	530	Deed
Michael Miller, Register Charleston County, SC		

MAKER:

BARTH MICHAEL M TR AL

Note:

RECIPIENT:

ONG CAITLIN B AL

of Pages:

Original Book:

Original Page:

Recording Fee	\$ 15.00
State Fee	\$ 1,432.60
County Fee	\$ 606.10
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 2,053.70

AUDITOR STAMP HERE
RECEIVED From ROD
Apr 19, 2022
Peter J. Tecklenburg
Charleston County Auditor

PID VERIFIED BY ASSESSOR
REP JBA
DATE 04/20/2022

DRAWER
CLERK



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02/16/2022
Recorded Date



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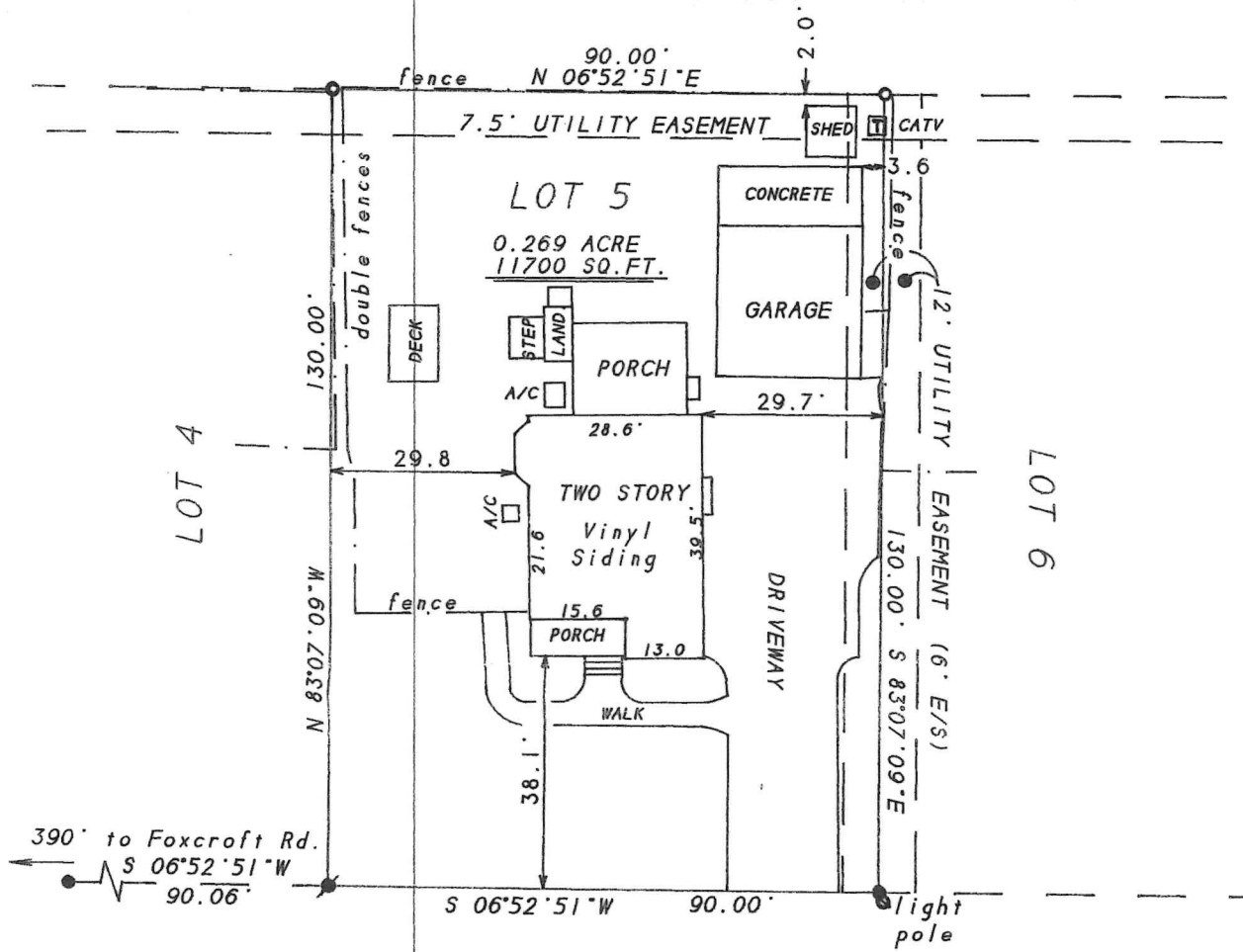
LEGEND:

- Iron Pipe Found 1" crimped
- ⊙ Iron Rebar Found 1/2"
- Iron Rebar Set 5/8"

Surveyor has made no investigation or independent search for easements of record encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose.



Charleston County
School District



GRAND CONCOURSE (50' R/W)



PLAT OF
LOT 5, BLOCK G, ASHCROFT HALL, SECTION I

LOCATED
JAMES ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA

EX: B

EXHIBIT C
TO ADMINISTRATIVE APPEAL

October 12, 22

HAND DELIVERED:

Zoning/Planning Department
and
Board of Zoning Appeals
The Town of James Island
1122 Dills Bluff Rd.
Charleston, SC 29412

Re: Owners: Spencer Ong and Caitlin Ong
Property: 1027 Grand Concourse St., Charleston, SC 29412
Zone: RSL
**Decision: Home Occupation Application Marked “Not Approved” on
October 4, 2022 by Zoning Administrator for the Town**

Dear Board of Zoning Appeals,

The purpose of this letter is to provide a written response to the Administrative Appeal Questions contained in the James Island BZA Administrative Appeal Application Package. This appeal arises out of the proposed plan to use a portion of the interior of an existing detached accessory structure as a guest house, following a minor renovation of the same, that would be offered for short-term rent¹ to paying and non-paying guests via the operation of a bed and breakfast (the “Project”) as proposed by the owners and full-time residents, Spencer Ong and Caitlin Ong (the “Owners”), of the improved real property located at 1027 Grand Concourse St., Charleston, SC 29412 (the “Property”). The Owners hereby appeal the October 4, 2022 decision of the Zoning Administrator for Town of James Island (the “Town”) to mark the Owners’ Home Occupation application filed in pursuit of the Project as “Not Approved” and the Town’s improper attempt to require the Owners to attach their existing detached accessory structure to their principal structure in order to proceed with the Owners’ Project (the “Decision”). The Decision is within the Board of Zoning Appeal’s purview pursuant to Code § 153.027(B)(3) and 153.052. Specifically, the Owners filed a Home Occupation application on October 4, 2022, a copy of which is enclosed hereto as *Exhibit C1*. On October 4, 2022, the Zoning Administrator for the Town marked the Owners’ Home Occupation application as “Not Approved” for the following reasons as identified by the Zoning Administrator:

¹ Notably, the Owners’ Home Occupation application also noted that the Owners intend to offer the guest house to non-paying guests, family and friends, as well, when the guest house was not otherwise occupied by paying guests.

EX. C

1. We have not received a completed and signed Bed & Breakfast Application.
2. We have not received a parking plan.
3. We have not received proof of full-time residency from provided tax bill.
4. There is no Certificate of Occupancy for the garage to be a habitable structure from Building Services.
5. Density standards in an RSL Zoning District prevent another dwelling unit on a parcel of this size.

See Zoning Administrator Kristen Crane's October 4, 2022 e-mail, and attachments thereto, enclosed hereto as *Exhibit C2*. See also Zoning Administrator Kristen Crane's October 12, 2022 e-mail incorrectly implying that the Owners must attach their existing detached accessory structure to their principal structure in order to proceed with the Project, which correspondence is attached hereto as *Exhibit C3*.

For the reasons discussed seriatim below, the Zoning Administrator erred in reaching the Decision, which Decision is incorrect, improper and otherwise unsupported by the Code. Accordingly, the Owners respectfully request that the Board of Zoning Appeals sustain this appeal, reverse the Decision and deem the Owners' Home Occupation permit approved and issued as of the filing date, October 4, 2022.

First, a Bed and Breakfast application is not a prerequisite to the filing of a Home Occupation application. Here, the Owners intend to submit a Bed and Breakfast application, however, such an application is not and cannot constitute a prerequisite to the filing of a Home Occupation application. There are no Code provisions or other rules that require that an applicant to submit a Bed and Breakfast application before, or simultaneously with, a Home Occupation application. Moreover, it would be illogical to require an applicant to submit a Bed and Breakfast application before, or simultaneously with, a Home Occupation application because an applicant could be seeking a Home Occupation application for another purpose. For example, an applicant seeking a Home Occupation permit in order to conduct a jewelry sales business from said applicant's home logically would not require the submission of a Bed and Breakfast application. Logically, a Bed and Breakfast application cannot constitute a prerequisite to the filing of a Home Occupation application. Consequently, because the Code does not require it and because it logically cannot be the case, a Bed and Breakfast application cannot and does not constitute a prerequisite to the filing of a Home Occupation application, the Zoning Administrator erred and this appeal should be sustained. Regardless, as explained to the Zoning Administrator on several occasions, the Owners intend on submitting a Bed and Breakfast application along with all of the requisite documentation thereto.

Second, a parking plan is not a requirement of a Home Occupation application, but is a requirement of a Bed and Breakfast application only. On its face, the Home Occupation application as prepared exclusively by the Town does not require a parking plan. Had the Town intended on requiring a parking plan as a Home Occupation permit requirement, the Town could have drafted the application to unambiguously require the same. The Town however did not draft the Home Occupation application to require a parking plan. Further, there are no Code provisions that require a parking plan in order to obtain a Home Occupation application. Consequently, because the application as drafted by the Town does not require it and because the Code does not require it, a Home Occupation application does not require a parking plan, the Zoning Administrator erred and this appeal should be sustained. Regardless, as explained to the Zoning Administrator on several occasions, the Owners intend on submitting a Bed and Breakfast application along with all of the requisite documentation thereto.

Third, proof of full-time residency is not a requirement of a Home Occupation application, but is a requirement of a Bed and Breakfast application only. On its face, the Home Occupation application as prepared exclusively by the Town does not require proof of full-time residency. Had the Town intended on requiring proof of full-time residency as a Home Occupation permit requirement, the Town could have drafted the application to unambiguously require the same. The Town failed to do so. Further, there are no Code provisions that require proof of full-time residency in order to obtain a Home Occupation application. Consequently, because the application as drafted by the Town does not require it and because the Code does not require it, a Home Occupation application does not require proof of full-time residency, the Zoning Administrator erred and this appeal should be sustained. Regardless, as explained to the Zoning Administrator on several occasions, the Owners intend on submitting a Bed and Breakfast application along with all of the requisite documentation.

Fourth, a Certificate of Occupancy for the Owners' detached accessory structure to be a habitable structure from Building Services is not a requirement of a Home Occupation application or a Bed and Breakfast application, which application was drafted by the Town. Had the Town intended to require a Certificate of Occupancy prior to the approval of a Home Occupation application, the Town could have unambiguously required the same, but failed to do so. Further, as explained above, logic dictates that a Certificate of Occupancy cannot constitute a requirement of a Home Occupation application. Using the same example whereby an applicant may seek a Home Occupation permit in order to conduct a jewelry sales business from said applicant's home, it would be illogical to require the submission of a Certificate of Occupancy for said applicant's detached accessory structure, assuming said applicant even possessed such a structure. Further, the Code does not require that an applicant obtain a Certificate of Occupancy before an applicant may obtain a Home Occupation permit. To the contrary, the Code states that a zoning permit may be issued for a structure *before* a Certificate of Occupancy may be issued. See Code § 153.048 ("[n]o structure or zoning lot or part thereof for which a zoning permit has been issued shall be used or occupied until the Building Official and/or the Zoning Administrator has, after final inspection,

issued a certificate of occupancy indicating that the use or structure complies with all applicable requirements of the zoning permit and this chapter”). Consequently, because the application as drafted by the Town does not require it, because logic dictates otherwise and because the Code does not require it, a Certificate of Occupancy is not a prerequisite to a Home Occupation permit, the Zoning Administrator erred and this appeal should be sustained.

Fifth, and most importantly, the density standards are wholly irrelevant and inapplicable here as the Owners are not seeking to erect any structure, but rather seek to use a portion of the interior of an existing detached accessory structure. The Owners’ Project is in no way prohibited or limited by § 153.070, RSL Density/Intensity and Dimensional Standards because § 153.013 clearly and unambiguously defines “**Density/Intensity and Dimensional Standards**” as:

Provisions of this chapter controlling the size and shape of zoning lots and the location and bulk of structures thereon. Such regulations include those relating to **density**, lot area, lot width, setbacks, buffers, building cover, height, and open space.

§ 153.013. Emphasis added.

Notably, the word “use” does not appear anywhere in the Code’s clear definition of “**Density/Intensity and Dimensional Standards**.” Therefore, § 153.070, RSL Density/Intensity and Dimensional Standards does not in any way control “use” of a portion of the interior of an existing detached accessory structure and the Zoning Administrator’s interpretation is without merit. Rather, § 153.070 only controls the “location and bulk” of structures. The Owners are not proposing to change the size or shape of the Owners’ lot or to move, add onto or build/erect any structure thereon, which would then alter the “location [or] bulk” of any structure on the Owners’ Property. The Owners are in no way proposing the development or erection of any structure. The Owners are also not proposing to move or add onto any existing structure. Rather, the Owners plan to use a portion of the interior of their existing detached accessory structure as a guest house, which the Owners will then use to generate income as a short-term rental by operating as a Bed and Breakfast. The Code clearly delineates “**Density/Intensity and Dimensional Standards**” for instances in which an applicant proposes to erect a new structure or subdivision, or otherwise alter the location and bulk of structures on the applicant’s lot, and is inapplicable in instances in which an applicant intends to merely use an existing structure. For example, the Owners’ Project does not impact any setback because the Owners are not proposing to add an addition onto, or otherwise move, the Owners’ existing detached accessory structure so as to vary the existing setbacks. This is supported by the Code’s unambiguous definition of the term “setback,” which, per § 153.013, is defined as the “required minimum distance from a lot line or street right-of-way that establishes an area within which a structure shall not be erected.” Therefore, § 153.013 clearly provides, via multiple clear definitions, that a structure must be erected in order for a setback to be impacted under the RSL “**Density/Intensity and Dimensional Standards**.” The Owners are not proposing

to erect any structure whatsoever here, but rather merely seek to **use** a portion of the interior of an existing structure. Thus, because the Owners' Project only seeks to **use** a portion of the interior of an **existing** detached accessory structure, which clearly does not alter the location and bulk of structures on the Owners' lot, § 153.070 is inapplicable, the Zoning Administrator erred and this appeal should be sustained.

Even if the "**Density/Intensity and Dimensional Standards**" somehow controlled an owner's **use** of his property, which it unambiguously does not, the Owners' Project here nonetheless does not impact density. Per § 153.066, density may be calculated by dividing the number of dwelling units, otherwise dwelling groups, on a site by the gross area of land. The definition of "dwelling group" set forth in § 153.013 clearly states that a "dwelling unit," or a "principal structure," is separate and distinct from and does "**not refer to accessory dwelling units, such as garage apartments or guest houses.**" Emphasis added. Thus, per the definition of the term "dwelling group," density cannot be calculated by taking accessory dwelling units into consideration. As stated above, the Owners here intend to merely **use** a portion of the interior of their **existing** detached accessory structure as a **guest house**, which is unambiguously excluded from the definition of the term "dwelling group" and cannot be considered in determining density assuming the "**Density/Intensity and Dimensional Standards**" somehow controlled an Owners' **use** of their property, which it unambiguously does not. Moreover, § 153.127(B) clearly provides that the density, intensity and dimensional standards as it relates to "dwelling groups," which is nonetheless inapplicable here to the Owners' **use** of their existing detached accessory structure, apply only in instances in which a "dwelling is to be **constructed.**" Emphasis added. Consequently, **even if** § 153.070 somehow controlled the **use** of a portion of the interior of an **existing** detached structure as it relates to density, which it **unambiguously does not** per the definitions set forth in § 153.013, the Owners' Project nonetheless cannot impact density because density cannot be calculated by taking accessory dwelling units, including guest houses, into consideration, the Zoning Administrator erred and this appeal should be sustained.

This is further bolstered by the definition of "accessory structure" set forth in § 153.013, which clearly states that an "accessory structure" is separate and distinct from a "principal structure," whereby a "principal structure" is defined as a "dwelling unit" under the definition for "dwelling group." Moreover, an "accessory dwelling unit" does not meet the definition of a "dwelling unit" as it is not "used for residential occupancy by a **single household**" per the definition of "dwelling unit" set forth in § 153.013. Emphasis added. Rather, an accessory dwelling unit is used by multiple households, including, but not limited to, the transient paying guests, and non-paying guests, of a guest house. This clearly differs from the use of a dwelling unit, or principal structure, which is used by only one household, or family. Regardless, § 153.070 is wholly inapplicable to the Owners' "use" of a portion of the interior of the Owners' existing detached accessory structure as a guest house used for short-term rent to paying and non-paying transient guests via the operation of a bed and breakfast. Moreover, and in spite of the Town's flawed representations to the contrary, there is no provision in the Code whatsoever that otherwise

requires that the Owners attach the Owners’ existing detached accessory structure to the Owners’ principal structure in order to use said accessory structure for any particular purpose. For all of these reasons, the Zoning Administrator’s argument is unsupported by the Code, § 153.070, RSL Density/Intensity and Dimensional Standards is wholly inapplicable to, and does not otherwise prohibit or limit, the Owners’ Project and this appeal should be sustained.

Further, the RSL zone permits the operation of a bed and breakfast. See § 153.110, 153.202(D) and § 153.210. The Use Table under § 153.110 lists “[b]ed and breakfast inns” as a permissible use subject to conditions in the RSL zone.

Table 153.110	Zoning Districts											Condition
	NRM-25	AG-5	AGR	RSL	RSM	MHS	OR	OG	CN	CC	I	
COMMERCIAL USES												
ACCOMMODATIONS												
Bed and breakfast inns	C	C	C	C	S	S	C	C	C	C		§ 153.124

§ 153.110.

The Use Table at § 153.110 lists “Bed and Breakfast” for the RSL zone as a “C.” Per § 153.110, “[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 chapter.” Per the Use Table at § 153.110, those conditions exist only within § 153.124. Consequently, the Owners are legally permitted to operate a bed and breakfast, permitted the Owners meet the conditions set forth in § 153.124. Notably, none of the conditions for approval of a bed and breakfast set forth in § 153.124 require that the Owners’ detached accessory structure be attached to the Owners’ principal structure in spite of the Town’s incorrect representations to the contrary. The Owners’ Project will nonetheless comply with those conditions, including:

- (A) The bed and breakfast must be residential in nature and comply with the home occupation regulations of § 153.210 of this code.
- (B) No exterior alterations, other than those necessary to ensure the safety of the structure, shall be made to any building for the purpose of providing a bed and breakfast.
- (C) Bed and breakfasts shall contain no more than three guest rooms.
- (D) There shall be an owner or innkeeper/manager residing on the premises.

(E) Meals may be served by the resident owner to paying guests staying at the bed and breakfast.

(F) Parking areas for bed and breakfast uses located in agricultural or residential zoning districts shall be screened from view of residential zoning districts and public rights-of-way by evergreen plant material that will provide opaque screening at the time of plant maturity. Only one car per guest room is allowed.

§ 153.124(A)-(F).

Additionally, a bed and breakfast is a permissible use of the Owners' Property under § 153.210 as it is not expressly prohibited thereunder. See § 153.210(C), Home Occupations (“[u]ses that comply with all of the standards of this section will be allowed as home occupations unless they are specifically prohibited”). See also 153.202(D) (permitting an owner to use his existing accessory structure to conduct home occupations subject to § 153.210). Further, the Owners' Project is permissible pursuant to the definition of “bed and breakfast” set forth in § 153.013 which provides:

A portion of an owner-occupied dwelling unit or detached accessory structure offering transient lodging, with or without breakfast, to paying guests on an overnight basis, usually staying less than seven days.

§ 153.013. Emphasis added.

Thus, the Code permits, and in no way restricts, the Owners' use of a portion of the interior of their existing detached accessory structure as a guest house that the Owners intend to offer to paying, and non-paying, guests for short-term rent via the operation of a bed and breakfast. Consequently, for all of these reasons, the Owners' Project is in no way prohibited or limited by § 153.070 RSL Density/Intensity and Dimensional Standards, the Zoning Administrator erred in reaching her Decision, this appeal should be sustained, the Decision should be reversed and the Owners' Home Occupation application should be approved as of the filing date.

Thank you for your prompt attention to this important matter. Please do not hesitate to contact me with any questions that you may have regarding the content of this letter or the abovementioned case.

Zoning/Planning Department
and
Board of Zoning Appeals
Town of James Island
October 12, 22
Page 8 of 8

Sincerely,


Caitlin B. Ong

Enclosures: *Ex. C1-C3*

cc: Spencer Ong
Kristen Crane



843.795.4141
Fax: 843.795.4878
Town Hall
1122 Dills Bluff Road
James Island, SC 29412

Home Occupation
Zoning/Planning

Home Occupation

Spencer Ong, I am a full time resident of the dwelling at
Name
1027 Grand Concourse Street, Charleston, SC 29412
Address

Name of the business I will be operating from this address is
Bed and Breakfast ("The James Bed and Breakfast, LLC")
Name of Home Occupation

I have read and understand the requirements and standards for a Home Occupation as stated in Section 153.210 and Section 153.124 of the *Town of James Island Zoning and Land Development Regulations (ZLDR) Ordinance*. Additionally, I have been provided a copy of this section of the Ordinance.

Any violations of The Town of James Island Ordinances could result in revocation of your zoning permit and/or business license.

[Handwritten Signature]
Signature

9/14/22
Date

EX-C1



843.795.4141
Fax: 843.795.4878
Town Hall
1122 Dills Bluff Road
James Island, SC 29412

Letter of Intent
Zoning/Planning

Letter of Intent to Establish a Business

Name: Spencer Ong
Mailing Address: 1027 Grand Concourse Street
Charleston, SC 29412
Email: hello@thejamesbedandbreakfast.com Phone #: (703) 899-2054

Subject Property Information

Complete Address: 1027 Grand Concourse St.
Charleston, SC 29412

Is this your residence? Yes No Number of Employees: two (2)
Days of Operation: 24/7 Hours of Operation: 24/7
Proposed Name of Business: The James Bed and Breakfast, LLC

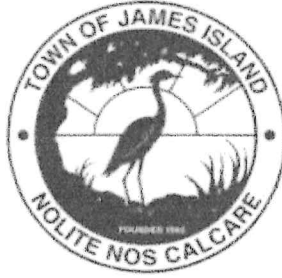
Provide a detailed explanation of the proposed use:

We will be using a portion of the interior of our exist-
ing detached accessory structure as a guest house
to rent out short-term and/or month-to-month
via the operation of our bed and breakfast. When
not rented, the guest house will be used for non-paying
guests, family & friends. A small portion of the interior
will continue to be used as storage.

See e-mail dated September 11, 2022 to Ms. Crane,
Zoning Admin. for the Town, as well as Sept. 14, 2022
email attached hereto as Exhibit A.

Signature: [Signature] Date: 9/14/22

Staff Notes:



Restrictive Covenants
Zoning/Planning

843.795.4141
Fax: 843.795.4878
Town Hall
1122 Dills Bluff Road
James Island, SC 29412

PERMIT APPLICATION: RESTRICTIVE COVENANTS AFFIDAVIT

I, Spencer Ong, have reviewed the restrictive covenants applicable to
(Print Name)

Parcel Identification Number(s) 428-11-00-005, located at
1027 Grand Concourse Street (TMS #)
Charleston, SC 29412, and the proposed permit application is not
(Address)

contrary to, does not conflict with, and is not prohibited by any of the restrictive covenants, as
specified in South Carolina Code of Laws, Section 6-29-1145. (See Ex. A.)

[Signature] 9/14/22
(Signature) (Date)

Spencer Ong
(Print Name)

Explanation:
Effective July 1, 2007, South Carolina Code of Laws Section 6-29-1145 requires local governments to inquire in the permit application, or in written instructions provided to the applicant, if a tract or parcel of land is restricted by a recorded covenant that is contrary to, conflicts with or prohibits an activity for which a permit is being sought. (Section 6-29-1145 is copied on the back of this page)

Received by: _____ Date: _____ Application #: _____

"Section 6-29-1145. (A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.

(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:

- (1) in the application for the permit;
- (2) from materials or information submitted by the person or persons requesting the permit; or
- (3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

(C) As used in this section:

- (1) 'actual notice' is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;
- (2) 'permit' does not mean an authorization to build or place a structure on a tract or parcel of land; and
- (3) 'restrictive covenant' does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land."

§153.210

HOME OCCUPATIONS

A. General

Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. The home occupation regulations of this Section are intended to permit residents to engage in home occupations, while ensuring that home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations (an accessory use) remain subordinate to the principal residential use of the property and that the viability of the residential use is maintained. Zoning Permits shall be required for all home occupations.

B. Where Allowed

Home occupations that comply with the regulations of this Section shall be allowed as an accessory use to any allowed Residential or Agricultural principal use.

C. Allowed Uses

The home occupation regulations of this Section establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this Section will be allowed as home occupations unless they are specifically prohibited.

D. Prohibited Uses

1. Vehicle/Equipment Repair, Rental or Sales

Any type of repair, rental, sales or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited as a home occupation in the RSL, RSM, MHS, and MHP Zoning Districts, unless these types of repairs, rentals, or sales take place in an enclosed structure and pose no noise or safety concerns.

2. Restaurants

Restaurants and food service establishments are not allowed as home occupations. Food service for Bed and Breakfasts shall be allowed under this Ordinance.

3. Employee Dispatch Centers

Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.

4. Animal Care or Boarding

Animal care or boarding facilities (including animal hospitals, kennels, stables and all other types of animal boarding and care facilities) are not allowed as home occupations in the RSL, RSM, MHS and MHP Residential Zoning Districts.

5. Medical Offices or Clinics

Medical offices and medical clinics are not allowed as home occupations in the RSL, RSM, MHS and MHP Residential Zoning Districts. This includes doctors' offices, dentists' offices, psychologists' offices, hospitals and all other medical care facilities. The prohibition shall not be interpreted as preventing medical practitioners from seeing patients in the practitioner's home on an emergency basis.

6. Funeral Homes

Funeral homes and funeral service activities are not allowed as home occupations.

7. Barber Shops, Beauty Shops and Nail Salons

Barber and Beauty Shops with more than one chair are not allowed as a home occupation.

8. Dancing Schools

Dancing schools are not allowed as home occupations.

E. Employees

Only one full-time or one part-time employee, who is not a full-time resident of the home where the home occupation is located, is allowed. The home occupation may have other employees who are not working at the residence, but work at other off-site locations, if applicable. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as a part of the home occupation.

F. Resident Operator

The operator of a home occupation shall be a full-time resident of the dwelling unit.

G. Customers

Customers may visit the site of a home occupation only during the hours of 8:00 a.m. to 8:00 p.m., with no more than an average of one customer or client per hour being allowed.

H. Floor Area

No more than 25 percent of the total floor area of the dwelling unit may be used to house a home occupation, except that Bed and Breakfasts allowed by this Ordinance are exempt from this provision. Up to 1,000 square feet of an accessory structure, such as a garage, may be used for a home occupation.

I. Outdoor Activities

All activities and storage areas associated with home occupations must be conducted in completely enclosed structures.

J. Exterior Appearance

There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. Signs for a home occupation are expressly prohibited. There may be no change in the exterior

appearance of the dwelling unit that houses a home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, adding additional entrances to the dwelling unit or adding signs or commercial-like exterior lighting.

K. Operational Impacts

No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. No hazardous substances may be used or stored in conjunction with a home occupation.

L. Trucks

Not more than one truck, truck cab, or van used in conjunction with a home occupation may be parked at the site of the home occupation in any RSL, MHS, or MHP Zoning District. No semi-truck trailers or full trailers shall be allowed in these zoning districts.

M. Deliveries

No more than four deliveries or pick-ups of supplies or products associated with home occupations are allowed between the hours of 8:00 a.m. and 8:00 p.m.

N. Sales

No article, product, or service may be sold in connection with a home occupation, other than those produced on the premises or comprise 25 percent or less of the gross receipts.

§153.124 BED AND BREAKFASTS

Bed and Breakfasts shall be subject to the following standards.

- A. The Bed and Breakfast must be residential in nature and comply with the Home Occupation regulations of Section 153.210 of this Chapter.
- B. No exterior alterations, other than those necessary to assure the safety of the structure, shall be made to any building for the purpose of providing a Bed and Breakfast.
- C. Bed and Breakfasts shall contain no more than three guest rooms.
- D. There shall be an owner or innkeeper/manager residing on the premises.
- E. Meals may be served by the resident owner to paying guests staying at the Bed and Breakfast.
- F. Parking areas for bed and breakfast uses located in agricultural or residential zoning districts shall be screened from view of residential zoning districts and public right-of-ways by evergreen plant material that will provide opaque screening at the time of plant maturity. Only one car per guest room is allowed.



1122 Dills Bluff Road
 James Island, SC 29412/
 PO Box 12240
 James Island, SC 29422
 Office: (843) 795-4141/
 revenuecoll@jamesislandsc.us

Town of James Island

BUSINESS LICENSE APPLICATION

TYPE or PRINT (PLEASE PRINT CLEARLY)

Federal Tax ID: _____ SSN: 229-49-7813 SC Dept. of Revenue ID: _____
 Legal Name of Business: The James Bed and Breakfast
 Doing Business As: The JAMES Bed and Breakfast
 Mailing Address: 1027 Grand Concourse Street
Charleston, SC 29412
 E-Mail Address: hello@thejamesbedandbreakfast.com
 Account Payable Phone: (703) 899-2054 Fax: () Cell: (703) 899-2054
 Business Classification: Class: _____ N.A.I.C.S. Classification Code: _____ Sub Class: 00

 Business Office Location Address: 1027 Grand Concourse Street
Charleston, SC 29412
 Location E-Mail: hello@thejamesbedandbreakfast.com
 Location Phone: (703) 899-2054 Fax: () Cell: (703) 899-2054

 Owner Name(s): Spencer Ong and Caitlin Ong
 Type of Business: Bed and Breakfast
 Location's Property Identification Number: TMS #: 428-11-00-005

Is this business located within the Town of James Island? (circle one) YES or NO
 If the business described herein was in operation at another location or with different ownership prior to opening at the location listed above, include:
 Prior Business License Number N/A ; Prior Business Location Address: N/A
 and; Prior Owner(s): N/A

What is the estimated "Gross Income" this business is expected to generate between the date of this application and the end of the current Business License Year (December 31st)? \$10,500

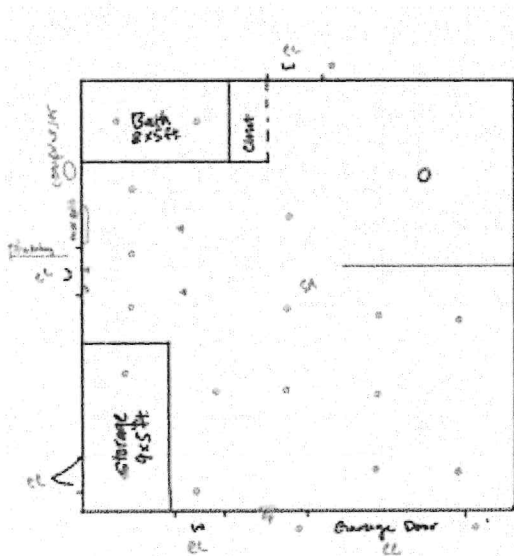
***** **Applicant Certification** *****

I (we) do hereby certify that the information given in this application is true and that the gross receipts are accurately reported, or estimated for a new business, without any unauthorized deductions. I am aware that all ordinances relating to the Building, Electrical, Plumbing, Fire and Zoning Codes must be complied with before the requested license(s) can be issued.

Signature of Applicant(s): [Signature] CarB Ong 9.14.22
 Date: 9/14/22 Title: Owner(s)

 Received: _____ Date: _____

**WE ACCEPT CHECKS, MONEY ORDERS, CASH OR CREDIT
 THERE IS A CONVENIENCE FEE OF \$2.00 FOR CREDIT CARDS
 CHECKS OR MONEY ORDERS SHOULD BE MADE PAYABLE TO THE
 TOWN OF JAMES ISLAND**



- SA: Smoke alarm
- ec: emergency exit
- F: fire extinguisher
- EP: electric panel
- V: pendant light
- : recessed light
- : fire with light

Current
 as of 9/11/12
 at 11:08am

- EXHIBIT A -

From: Spencer Ong spencerandcaitlinong@gmail.com
Subject: Re: 1027 Grand Concourse St., Charleston, SC 29412 -
CONDITIONAL USE PERMIT REQUEST
Date: Sep 14, 2022 at 17:16:07
To: Kristen Crane kcrane@jamesislandsc.us
Cc: Flannery Wood fwood@jamesislandsc.us
Bcc: spencerandcaitlinong@gmail.com

Good afternoon, Ms. Crane:

The purpose of this correspondence is to follow up on our various e-mails dated September 8, 9 and 11 of 2022, including our request for a conditional use permit, to which no response has been received, and to your email dated September 8, 2022 in which you stated that you would provide a written interpretation of the code, which you have failed to so provide. Consequently, it is presumed that my interpretation of the code is accurate and unopposed, that our project conforms with and is not in any way prohibited or limited by the Code in and that the Town and Zoning Administrator possess no opposing argument or interpretation. Accordingly, we will be filing the necessary permits, and incurring the filing fees associated therewith, with the understanding that our project conforms with the Code and that said permits will be issued as the town has failed to provide any alternative interpretation despite ample opportunity to do so and the Town is now deemed to agree that the project is in accordance with the Code. We reserve the right to take any and all actions necessary to protect our rights and interests and to recoup losses, if any, resulting from the acts, errors, omissions and misstatements on behalf of the Town. Thank you.

Caitlin is not barred in the State of South Carolina. While Caitlin is barred as a practicing attorney in other jurisdictions, Caitlin is in no way attempting to

practice law in the State of South Carolina.

On Sep 12, 2022, at 13:48, Kristen Crane <kcrane@jamesislandsc.us> wrote:

CAUTION: This email originated from outside the Town of James Island. Maintain caution when opening external links/attachments

Thank you for your emails. We will respond accordingly.

Kristen Crane

From: Caitlin Ong <spencerandcaitlinong@gmail.com>

Sent: Sunday, September 11, 2022 2:00 PM

To: Kristen Crane <kcrane@jamesislandsc.us>

Cc: Flannery Wood <fwood@jamesislandsc.us>; Caitlin Ong <spencerandcaitlinong@gmail.com>

Subject: 1027 Grand Concourse St., Charleston, SC 29412 - CONDITIONAL USE PERMIT REQUEST

Good afternoon, Ms. Crane:

The purpose of this correspondence is to follow-up on our e-mails dated September 8, 2022 and September 9, 2022, to which no response has been received, and to convey my personal interpretation of the relevant Code as it relates to our plans to use a portion of the interior of our existing detached accessory structure as a guest house, which we will then offer for short-term, and/or month-to-month, rent by operating as a Bed and Breakfast (the "Project") at our full-time owner occupied premises located at 1027 Grand Concourse St., Charleston, SC 29412 (the "Property"). See a rough drawing of our plans to use a portion of interior of our existing detached accessory structure as a guest house enclosed hereto for your convenience. In addition, please see a copy of the Resolution to Abandon Unused Easement by the Town of James Island permitting the location and use of our existing

detached accessory structure. Specifically, for the reasons discussed seriatim below, please provide a Conditional Use Permit as defined by § 153.013 in your capacity as Zoning Administrator for the Town of James Island (the “Town”) stating that we may proceed with the Project after obtaining the required permits, which Project is permitted by the Code as follows:

First, § 153.070, RSL Density/Intensity and Dimensional Standards is wholly inapplicable to, and does not otherwise prohibit or limit, the Project. § 153.013 clearly and unambiguously defines “Density/Intensity and Dimensional Standards” as:

Provisions of this chapter controlling the size and shape of zoning lots and the location and bulk of structures thereon.

Such regulations include those relating to density, lot area, lot width, setbacks, buffers, building cover, height, and open space.

Emphasis added.

Therefore, § 153.070, RSL Density/Intensity and Dimensional Standards does not in any way control “use” of a portion of the interior of an *existing* detached accessory structure and your interpretation is without merit. Rather, § 153.070 only controls the “location and bulk” of structures. As you are aware, we are not proposing to change the size or shape of our lot or to move, add onto or build/erect any structure thereon, which would then alter the “location [or] bulk” of any structure on our Property. We are in no way proposing the development or erection of any structure. We are also not proposing to move or add onto any existing structure. Rather, we plan to use a portion of the interior of our *existing* detached accessory structure as a guest house, which we will then use to generate income as a short-term rental by operating as a Bed and Breakfast. Thus, because our Project only seeks to use a portion of the interior of an *existing* detached accessory structure, § 153.070 is inapplicable. For example, our Project does not impact any setback because we are not proposing to add an addition onto, or otherwise move, our existing detached accessory structure so as to vary the existing setbacks. Likewise, § 153.013 clearly and unambiguously defines “setback” as the “required minimum distance from a lot line or street right-of-way that establishes an area within which a structure shall not be erected.” Therefore, § 153.013 clearly provides that a structure must be erected in order for a setback to be impacted. As

you are well aware, we are not proposing to *erect* any structure whatsoever.

Similarly, and by way of another example, our Project does not impact density as we are not proposing to *erect* any structure, but are seeking a Conditional Use Permit to use the interior of an existing structure in a particular manner. As you know, density may be calculated by dividing the *number of dwelling units*, otherwise dwelling groups, on a site by the gross area of land. See *i.e.* Article 4.2.1. The definition of “dwelling group” set forth in § 153.013 clearly states that a “dwelling unit,” or a “principal structure,” is separate and distinct from and does “not refer to accessory dwelling units, such as garage apartments or guest houses.” Thus, per the definition of the term “dwelling group,” density cannot be calculated by taking accessory dwelling units into consideration. Consequently, even if § 153.070 somehow controlled the use of a portion of the interior of an existing detached structure as it relates to density, which it unambiguously does not, our Project nonetheless cannot and does not impact density, which may be calculated by dividing the *number of dwelling units* (otherwise “dwelling groups,” which does not refer to accessory dwelling units, including guest homes) on a site by the gross area of land. See *i.e.* Article 4.2.1.

This is bolstered by the definition of “accessory structure” set forth in § 153.013, which clearly states that an “accessory structure” is separate and distinct from a “principal structure,” (which is defined as a “dwelling unit” under the definition for “dwelling group”). Moreover, an “*accessory dwelling unit*” does not meet the definition of a “dwelling unit” as it is not “used for residential occupancy *by a single household*” per the definition of “dwelling unit” set forth in § 153.013. Rather, an accessory dwelling unit is used by multiple households, including, but not limited to, the transient paying guests of a guest house. This clearly differs from the use of a dwelling unit, or principal structure, which is used by only one household, or family. Regardless, § 153.070 is wholly inapplicable to our “use” of a portion of the **interior** of our **existing** detached accessory structure as a guest house used for short-term rent to paying transient guests via the operation of a bed and breakfast. Moreover, there is no provision in the Code whatsoever that otherwise requires that we attach our existing detached accessory structure to our principal structure in order to use said accessory structure for any particular purpose. For all of these reasons, your argument is unsupported by the Code, we are not required to the attach our existing detached accessory structure to our principal structure in order to proceed with our Project, and § 153.070, RSL Density/Intensity and Dimensional Standards is wholly inapplicable to, and does not otherwise

prohibit or limit, our Project.

Further, a “Bead and Breakfast” is a permissible use in our Property’s Zone, RSL, pursuant to both § 153.110 and § 153.210. The Use Table under § 153.110 lists “bed and breakfast inns” as a permissible use subject to conditions in the RSL zone.

See § 153.110.

Per § 153.110, “[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 chapter.” Consequently, we are legally permitted to operate a bed and breakfast, permitted we meet the conditions required therefore. Notably, the only conditions for approval of a bed and breakfast are set forth in § 153.124, none of which require that our detached accessory structure be attached to our principal structure. Our Project will comply with those conditions, including, but not limited to, those conditions identified in § 153.124(A)-(F), which provide:

(A) The bed and breakfast must be residential in nature and comply with the home occupation regulations of § 153.210 of this code.

(B) No exterior alterations, other than those necessary to ensure the safety of the structure, shall be made to any building for the purpose of providing a bed and breakfast.

(C) Bed and breakfasts shall contain no more than three guest rooms.

(D) There shall be an owner or innkeeper/manager residing on the premises.

(E) Meals may be served by the resident owner to paying guests staying at the bed and breakfast.

(F) Parking areas for bed and breakfast uses located in agricultural or residential zoning districts shall be screened from view of residential zoning districts and public rights-of-way by evergreen plant material that will provide opaque screening at the time of plant maturity. Only one car per guest room is allowed.

Further, a bed and breakfast is a permissible use of our Property under § 153.210 as it is not expressly prohibited thereunder. See § 153.210(C), Home Occupations (“[u]ses that comply with all of the standards of this section will be allowed as home occupations unless they are specifically prohibited”). Further, our Project is permissible pursuant to the definition of “bed and breakfast” set forth in § 153.013 which provides:

A portion of an owner-occupied dwelling unit *or detached accessory structure* offering transient lodging, with or without breakfast, to paying guests on an overnight basis, usually staying less than seven days.


Emphasis added.

Further, while the term “guest house” is not defined in the Code which renders the definition thereof ambiguous, the term is generally defined to include the use of a separate structure for *paying* guests. There are no provisions in the Code that prohibit our use of a portion of the interior of our existing detached accessory structure as a guest house. Likewise, the Code does not expressly prohibit or limit our use of a portion of the interior of

our existing detached accessory structure as a guest house that is offered for short-term rent by operating a bed and breakfast, nor does the Code in any way require any type of breezeway or attachment as explained above. Consequently, because our Project will comply with those conditions identified in § 153.124(A)-(F) and because a “Bed and Breakfast” is a permissible use in our Property’s Zone, RSL, pursuant to both § 153.110 and § 153.210, the Code allows and does not otherwise prohibit or limit our ability to operate a bed and breakfast by using the interior of a portion of our existing detached accessory structure for rent to paying guests.

Consequently, because the Project is permitted, and is not otherwise prohibited or limited, by the Code, we request a Conditional Use Permit so that we may proceed with the Project after meeting the conditions (Home Occupation Permit, Business License and additional safety requirements) and obtaining the necessary construction permit(s) (construction permit(s)) to operate a Bed and Breakfast so as to use a portion of the interior of our existing detached accessory structure as a guest house for short-term rent to paying guests. Accordingly, please provide a written response to this correspondence on or before September 14, 2022 as this matter is considered time sensitive given the income producing nature of the Project. Should you refuse to provide a Conditional Use Permit in spite of the clear provisions of the Code set forth above, please identify with particularity (including Code Section(s), if any) the reasons for which you refuse to provide the Conditional Use Permit. I look forward to hearing from you shortly and, again, hope to amicably and timely resolve this discrepancy and obtain the Conditional Use Permit so that we may proceed with the Project in a timely manner.

Please note that Caitlin does not in any way hold herself out to be an attorney barred in the State of South Carolina, as she is not barred in the State of South Carolina. While Caitlin is barred as a practicing attorney in other jurisdictions, Caitlin is not attempting to practice law in the State of South Carolina. All statements above are not legal opinions, but are personal opinions.

From: Kristen Crane kcrane@jamesislandsc.us 
Subject: RE: Home Occupation Application and the Business License Application filed with the Town Today 10.4.2022
Date: October 4, 2022 at 12:22 PM
To: Caitlin Ong spencerandcaitlinong@gmail.com
Cc: revenuecoll revenuecoll@jamesislandsc.us, Spencer Ong spencerong@me.com, Flannery Wood fwood@jamesislandsc.us



Hello,

I've attached your Home Occupation application, Letter of Intent, and Business License Application. You will see these are marked as "Not Approved" due to the following reasons:

1. We have not received a completed and signed Bed & Breakfast Application.
2. We have not received a parking plan.
3. We have not received proof of full-time residency from provided tax bill.
4. There is no Certificate of Occupancy for the garage to be a habitable structure from Building Services.
5. Density standards in an RSL Zoning District prevent another dwelling unit on a parcel of this size.
6. Business License is denied based on no zoning permit for the business.

Please let us know if you'd like us to shred the Business License check (Check #171), or if you'd like to come by and pick it up.

Any in-person meetings need to be by appointment at a pre-arranged and mutually agreed-upon date and time.

Kristen Crane

From: Caitlin Ong <spencerandcaitlinong@gmail.com>
Sent: Tuesday, October 4, 2022 10:28 AM
To: Kristen Crane <kcrane@jamesislandsc.us>
Cc: revenuecoll <revenuecoll@jamesislandsc.us>; Caitlin Ong <spencerandcaitlinong@gmail.com>; Spencer Ong <spencerong@me.com>
Subject: Home Occupation Application and the Business License Application filed with the Town Today 10.4.2022

CAUTION: This email originated from outside the Town of James Island. Maintain caution when opening external links/attachments

Good morning, Ms. Crane:

I walked into Town Hall today at 9 AM and filed my Home Occupation application with the required fee and attempted to file my Business License application. Jackie Mays of the Town initially refused to accept my Business License application, and the funds for the same, at that time. Jackie Mays stated that she was informed by a Town employee that I could not file my Business License application until my Home Occupation application was approved, which is false. There are no Code provisions or other applicable rules that prohibit my filing of a Business

EX. C2



1122 Dills Bluff Road
 James Island, SC 29412/
 PO Box 12240
 James Island, SC 29422
 Office: (843) 795-4141/
 revenuecoll@jamesislandsc.us

Town of James Island

BUSINESS LICENSE APPLICATION

TYPE or PRINT (PLEASE PRINT CLEARLY)

Federal Tax ID: _____ SSN: 229-49-7813 SC Dept. of Revenue ID: _____
 Legal Name of Business: The James Bed and Breakfast
 Doing Business As: The JAMES Bed and Breakfast
 Mailing Address: 1027 Grand Concourse Street
Charleston, SC 29412
 E-Mail Address: hello@thejamesbedandbreakfast.com
 Account Payable Phone: (703) 899-2054 Fax: () Cell: (703) 899-2054
 Business Classification: Class: _____ N.A.I.C.S. Classification Code: _____ Sub Class: 00

 Business Office Location Address: 1027 Grand Concourse Street
Charleston, SC 29412

Location E-Mail: hello@thejamesbedandbreakfast.com
 Location Phone: (703) 899-2054 Fax: () Cell: (703) 899-2054

 Owner Name(s): Spencer Dwy and Caitlin Dwy
 Type of Business: Bed and Breakfast

Location's Property Identification Number: TMS #: 428-11-00-005

Is this business located within the Town of James Island? (circle one) YES or NO

If the business described herein was in operation at another location or with different ownership prior to opening at the location listed above, include:
 Prior Business License Number N/A; Prior Business Location Address: N/A

and; Prior Owner(s): N/A

What is the estimated "Gross Income" this business is expected to generate between the date of this application and the end of the current Business License Year (December 31st)? \$10,500

***** **Applicant Certification** *****

I (we) do hereby certify that the information given in this application is true and that the gross receipts are accurately reported, or estimated for a new business, without any unauthorized deductions. I am aware that all ordinances relating to the Building, Electrical, Plumbing, Fire and Zoning Codes must be complied with before the requested license(s) can be issued.

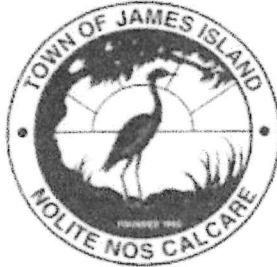
Signature of Applicant(s): [Signature] CarB Dwy 9.14.22
 Date: 9/14/22 Title: Owner(s)

 Received: _____ Date: _____

**WE ACCEPT CHECKS, MONEY ORDERS, CASH OR CREDIT
 THERE IS A CONVENIENCE FEE OF \$2.00 FOR CREDIT CARDS.
 CHECKS OR MONEY ORDERS SHOULD BE MADE PAYABLE TO THE
 TOWN OF JAMES ISLAND**

REVISED:07/10/18

*Permitting Zoning
 MAR DENISE*



843.795.4141
Fax: 843.795.4878
Town Hall
1122 Dills Bluff Road
James Island, SC 29412

Letter of Intent
Zoning/Planning

Letter of Intent to Establish a Business

Name: Spencer Ong
Mailing Address: 1027 Grand Concourse Street
Charleston, SC 29412
Email: hello@thejamesbedandbreakfast.com Phone #: (703) 899-2054

Subject Property Information

Complete Address: 1027 Grand Concourse St.
Charleston, SC 29412

Is this your residence? Yes No Number of Employees: two (2)
Days of Operation: 24/7 Hours of Operation: 24/7
Proposed Name of Business: The James Bed and Breakfast, L

Provide a detailed explanation of the proposed use:

We will be using a portion of the interior of our exist-
ing detached accessory structure as a guest house
to rent out short-term and/or month-to-month
via the operation of our bed and breakfast. When
not rented, the guest house will be used for non-paying
guests, family & friends. A small portion of the interior
will continue to be used as storage.

See e-mail dated September 11, 2022 to Ms. Crane,
Zoning Admin. for the Town, as well as Sept. 14, 2022
email attached hereto as Exhibit A.

Signature: [Signature] Date: 9/14/22

Staff Notes:

TOWN OF JAMES ISLAND, SC
Zoning Approval
Approved: _____
Approved with Conditions: _____
Not Approved:
[Signature]
Planning Director

From: Kristen Crane kcrane@jamesislandsc.us
Subject: RE: BZA Information, Appeal Documentation and Zoning Permit Application
Date: October 12, 2022 at 9:26 AM
To: Caitlin Ong spencerandcaitlinong@gmail.com



Hi Caitlin,

If you look on the last page of the BZA application attached to the email you're replying to, you'll see the filing deadlines and meeting dates.

As far as the Zoning Permit application, I'm assuming you're wanting a zoning permit for a Bed & Breakfast? In that case, the application that was attached to the email you're replying to is said application. Your zoning permit comes when/if the application is approved.

As we mentioned in our in-person conversation awhile back, you do have the option to connect your existing detached garage to your principal home. Assuming building permits and plans are approved, the garage would then be considered part of your principal home and would be rentable with an approved Bed & Breakfast application.

Kristen Crane

From: Caitlin Ong <spencerandcaitlinong@gmail.com>
Sent: Tuesday, October 11, 2022 1:03 PM
To: Kristen Crane <kcrane@jamesislandsc.us>
Subject: Re: BZA Information, Appeal Documentation and Zoning Permit Application

CAUTION: This email originated from outside the Town of James Island. Maintain caution when opening external links/attachments

Kristen:

Per my many e-mails and requests, please also provide the filing deadlines, the meeting dates of the BZA and the zoning permit application, which you have not yet provided.

Thanks

On Fri, Oct 7, 2022 at 3:33 PM Kristen Crane <kcrane@jamesislandsc.us> wrote:

Hello,

Attached is the Appeal Application, and another Bed and Breakfast Application, which I believe you already have.

Kristen Crane

EXC-3

From: Caitlin Ong <spencerandcaitlinong@gmail.com>
Sent: Friday, October 7, 2022 2:46 PM
To: Kristen Crane <kcrane@jamesislandsc.us>
Cc: Flannery Wood <fwood@jamesislandsc.us>; Jackie Mays <jmays@jamesislandsc.us>;
Caitlin Ong <spencerandcaitlinong@gmail.com>
Subject: BZA Information, Appeal Documentation and Zoning Permit Application

CAUTION: This email originated from outside the Town of James Island. Maintain caution when opening external links/attachments

Good afternoon, Ms. Crane:

As you know, I have called your office two times today and have sent e-mails for the last several days seeking the documentation for the appeal to the BZA, the filing deadlines, the meeting dates of the BZA and the zoning permit application, all of which have gone unanswered by the Town. I need the documentation and information as time is of the essence given the deadline on the appeals process and given the income producing nature of the project. Please return my call and/or my email and provide the information and documentation per your requirement to do so under the Code. Thank you and I look forward to hearing from you shortly.

Caitlin Ong