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STAFF REPORT

TO: Board of Zoning Appeals

FROM: Carter France, Planner

SUBJECT: Variance (VR-26-03) – Kingston – 228 E Main Street B

DATE: October 6, 2026

Background: The applicant, Catherine Kingston, the owner of the subject parcel (TMS # 142-07-05-026*)* has applied for a **Variance** (VR-26-03) to reduce the number of required parking spaces for a parcel located in Downtown, at 338 East Main Street - B. The Town's current Zoning Ordinance requires the proposed "Highschool, Trade or Business School" use to occupy the existing structure to have at least six (6) compliant off-street parking spaces, as determined by use type and associated square footage. The Zoning Ordinance does not have an exception or provision for required on-site parking within the downtown district along East Main Street, therefore Ordinance's parking standards significantly hinder business / other use types from operating in this area. The subject parcel (TMS # 142-07-05-026), owned by "Mout Judith Wall", is within the **General Commercial (C-2)** zoning district.

Existing Zoning: The subject parcel is currently in the **General Commercial (C-2)** zoning district. Per the Town's Zoning Ordinance, the **General Commercial (C-2)** zoning district is intended to:

> *"...accommodate a variety of general commercial and nonresidential uses characterized primarily by retail, office, and service establishments and oriented primarily to major traffic arteries or extensive areas of predominately commercial usage and characteristics. Certain related structures and uses are permitted outright or are permissible as special exceptions subject to the restrictions and requirements intended to best fulfill the intent of this ordinance."*

	Adjacent Zoning	Adjacent Land Use
North	C-2	Parking Facility
South	C-2	Berkeley County School District
East	C-2	Personal Service Establishment
West	C-2	Single-Family Detached Dwelling

Existing Site Conditions: The subject parcel is comprised of approximately 9,800 square feet. There appears to be approximately 42 feet of road frontage along East Main Street and an additional 145 feet of road frontage

along Carolina Avenue. The parcel is currently occupied by a one (1) story building. Currently the existing structure on the subject-parcel is occupied by a Personal Service use-type. The applicant intends on utilizing a portion of the parcel as a "Highschool, Trade or Business School" use.

The existing building appears to conflict with required setbacks in the **General Commercial C-2** zoning. This effectively prohibits the applicant from constructing a complaint parking area within the boundaries of the parcel. The previous tenant enjoyed a nonconforming situation and once the use vacated the building had ninety (90) days to reestablish or nonconforming protections would be lost. This essentially made the building limited on use types that can occupy it, as the site does not have any existing parking spaces compliant with the Town's current standards.

Proposed Request: The applicant has applied for a **Variance** seeking relief of six (6) on-site parking spaces. The applicant is suggesting off-site parking near the subject parcel can meet the required six (6) spaces. Off-site parking space relief is intended to come from delineated on-street facilities adjacent to the subject-parcel. The applicant has demonstrated to Staff in the provided documentation that the subject parcel *will not* provide any on-site parking spaces that are fully compliant with the Parking standards presented in Sections 7-3 & 7-4 of the Zoning Ordinance. Granting this **Variance** request would allow the proposed use on the subject-lot to count off-site parking spaces near the subject-parcel to achieve the required six (6) total parking spaces.

Procedural Issues: As part of any Variance request, the Board of Zoning Appeals will hear and decide appeals for variance from the requirements of the Zoning Ordinance when strict application of the provisions of the Ordinance would result in unnecessary hardship. A **Variance** may be granted in an individual case of unnecessary hardship if the Board feels the applicant can prove their request and situation meets or exceeds the following:

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

Staff Analysis:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

   Adequate number of on-site parking is not achievable, given the available acreage of the parcel, the existing built environment and building massing. Any nonconforming parking standards from the previous tenant has now been lost; all of which constitutes an extraordinary condition for this parcel.

2. These conditions do not generally apply to other property in the vicinity.

   The vast majority of operating businesses along East Main Street sit on small parcels, relative to the existing buildings. The Zoning Ordinance did not consider the difference between typical general

*commercial uses along a commercial corridor and a historic, existing urban downtown. This prohibits future businesses from establishing downtown, as the Town's parking standards apply to all **C-2** zoning, including a Walmart on N Highway 52 or a music school on E Main Street. Because these are two vastly different development types, but in the same Town and subject to the same parking standards, Staff believe that these restrictive conditions only apply to downtown parcels and do not apply to any other **General Commercial C-2** zoned districts throughout the Town.*

3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

   The size of the existing structure relative to the size of the subject parcel effectively prohibits any commercial use from providing off-street parking in conjunction with Section 7-4 of the Zoning Ordinance. This is due to the inability to provide paved parking whilst staying within the maximum allotted impervious lot coverage as required per Section 6-16 of the Zoning Ordinance and to safely configure nine by eighteen parking stalls on the subject parcel per Section 7-4.4 of the Zoning Ordinance. Staff has determined this after a brief review of the subject parcel on Berkeley County GIS and the applicant-provided documentation. Without adequate parking facilities this would effectively prohibit the property from being used by any use, not just the proposed.

4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

   *Granting this request improves the public good and existing character of the district by allowing additional commercial uses to locate downtown. This in turn benefits Town residents, by rejuvenating a once flourishing commercial corridor. Furthermore, it is Staff's belief that adequate off-site parking, as shown by the applicant, sufficiently meets the spirit and intent of the parking standards, just absent on-site location. By granting the **Variance** request, Staff does not believe that any harm will be caused to the public good and the character of the district. Utilizing the on-street parking to allow future commercial tenants to establish in downtown would, in Staff's professional opinion, increase the character of the district by presenting a busy, active and successful downtown by the visualization of vehicular parking and increase places to eat, shop and do business.*

Staff Recommendation: Staff recommends the Board of Zoning Appeal **approves** this request due to the reoccurrence of this request along this corridor and the parcel's identified hardships with entering obligatory compliance with the Town's current Zoning Ordinance.

Attachments:
SIGNED – Application (20260728)
Location Maps (20261006)
Floor Plan (20260908)
Justification Letter (20260908)
Variance Request (20260908)