



Case # BZA-02-25-00847

Charleston County BZA Meeting of April 7, 2025

Applicant/Property Owner: Macario Lopez Ramirez

Property Location: 4453 Clovewood Street – North Area

TMS#: 388-06-00-152

Zoning District: Low Density Residential (R-4) Zoning District

Request:

Variance request to reduce the required 5' interior side setback for an existing unpermitted attached carport and to reduce the required 3' interior side setback for an existing unpermitted detached accessory structure (pavilion).

Requirement:

The *Charleston County Zoning and Land Development Regulations Ordinance (ZLDR)*, Chapter 4 Base Zoning Districts, Article 4.12 R-4, Low Density Residential District, Sec. 4.12.3 Density/Intensity and Dimensional Standards requires a 5' interior side setback for structures attached to the principal dwelling unit.

Chapter 6 Use Regulations, Article 6.5 Accessory Uses and Structures, Sec. 6.5.8 B.3. Accessory Structures in Residential and Residential Office (RO) Zoning Districts requires a 3' interior side setback for detached accessory structures.



CHAPTER 4 | BASE ZONING DISTRICTS

ARTICLE 4.12 R-4, LOW DENSITY RESIDENTIAL DISTRICT

Sec. 4.12.1 Purpose and intent

The R-4, Low Density Residential Zoning District implements the Urban/Suburban Mixed Use policies of the *Comprehensive Plan*.

Sec. 4.12.2 Use Regulations

Uses are allowed in the R-4 Zoning District in accordance with the Use Regulations of [CHAPTER 6, Use Regulations](#).

Sec. 4.12.3 Density/Intensity and Dimensional Standards

All development in the R-4 District shall be subject to the following Density/Intensity and Dimensional Standards:

Table 4.12.3, R-4 Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
MAXIMUM DENSITY	4 Principal Dwelling Units per acre	
MINIMUM LOT AREA	5,000 square feet with public water and sewer 10,000 square feet with public water or sewer 14,500 without public water and sewer	12,000 square feet
MINIMUM LOT WIDTH	50 feet	90 feet
MINIMUM LOT WIDTH AVERAGE	N/A	100 feet
MINIMUM SETBACKS		
Front/Street Side	20 feet	
Interior Side	5 feet	
Rear	10 feet	
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	35 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	15 feet
MAXIMUM IMPERVIOUS SURFACE COVERAGE	40% of Lot or as allowed by the current edition of the Charleston County Stormwater Manual	
MAXIMUM HEIGHT	35 feet	

Effective on: 9/10/2017, as amended

Sec. 4.12.4 Other Regulations

Development in the R-4 District shall comply with all other applicable regulations of this Ordinance, including [CHAPTER 9, Development Standards](#).



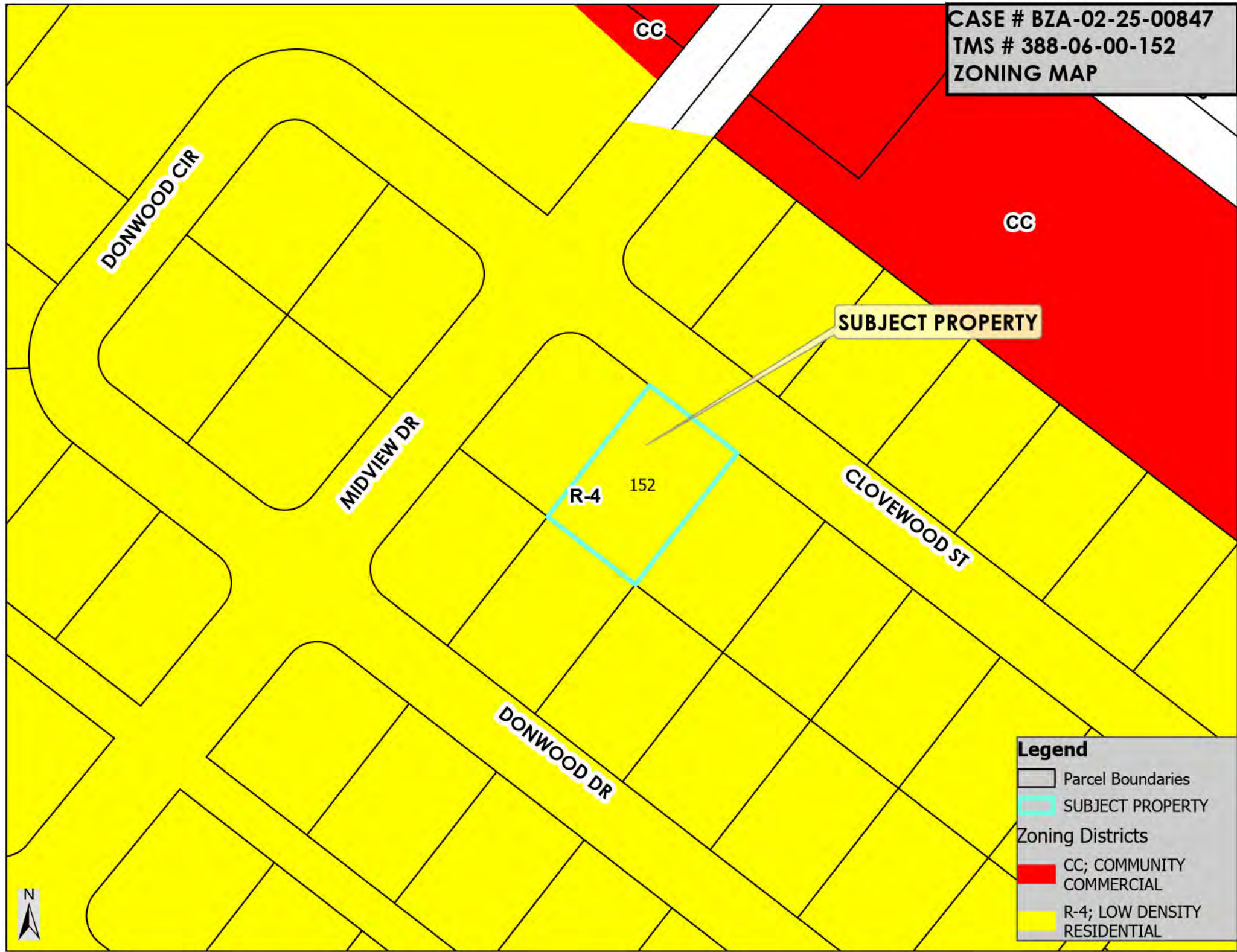
CHAPTER 6 | USE REGULATIONS

ARTICLE 6.5 ACCESSORY USES AND STRUCTURES

Sec. 6.5.8 Accessory Structures in Residential and Residential Office (RO) Zoning Districts

Unless otherwise expressly stated and in addition to any other applicable provisions of this Ordinance, Accessory Structures in Residential and Residential Office (RO) Zoning Districts shall be subject to the following requirements:

- A. An Accessory Structure erected as an integral part of the Principal Structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of these and other regulations applicable to Principal Structures.
- B. A detached Accessory Structure shall be located:
 - 1. Wholly to the rear of the Principal Structure, provided that this limitation shall not apply to carports or Garages;
 - 2. At least six feet from any other Dwelling, including those under construction;
 - 3. At least three feet from any interior Lot line in a Residential Zoning District if in an RO Zoning District that abuts a Residential Zoning District, the Accessory Structure in the RO Zoning District shall be located at least 10 feet from the abutting interior Lot line. When an RO Zoning District abuts another Office or Nonresidential Zoning District, setbacks for Accessory Structures are not required;
 - 4. To meet the Principal Structure Front Setback requirements of the Zoning District in which the Lot is located as set forth in Chapter 4, Base Zoning Districts, of this Ordinance.
 - 5. If on a corner Lot, the detached Accessory Structure shall not project in front of the front Building line required or existing on the adjacent Lot.
- C. A detached Accessory Structure may be constructed on an adjacent vacant Lot if both Lots are in the same ownership, unless otherwise allowed to be established on a separate Lot pursuant to this Ordinance.
- D. Accessory Structures shall be included in Building Coverage and Impervious Surface Coverage.
- E. The Accessory Dwelling Unit provisions of this Ordinance apply in addition to the requirements of this Section; and
- F. An Accessory Structure that is attached to the Principal Structure pursuant to this Ordinance shall comply with the Principal Structure Setback requirements of the Zoning District in which the Lot is located as set forth in Chapter 4, *Base Zoning Districts*, of this Ordinance.



SUBJECT PROPERTY

R-4

152

CC

CC

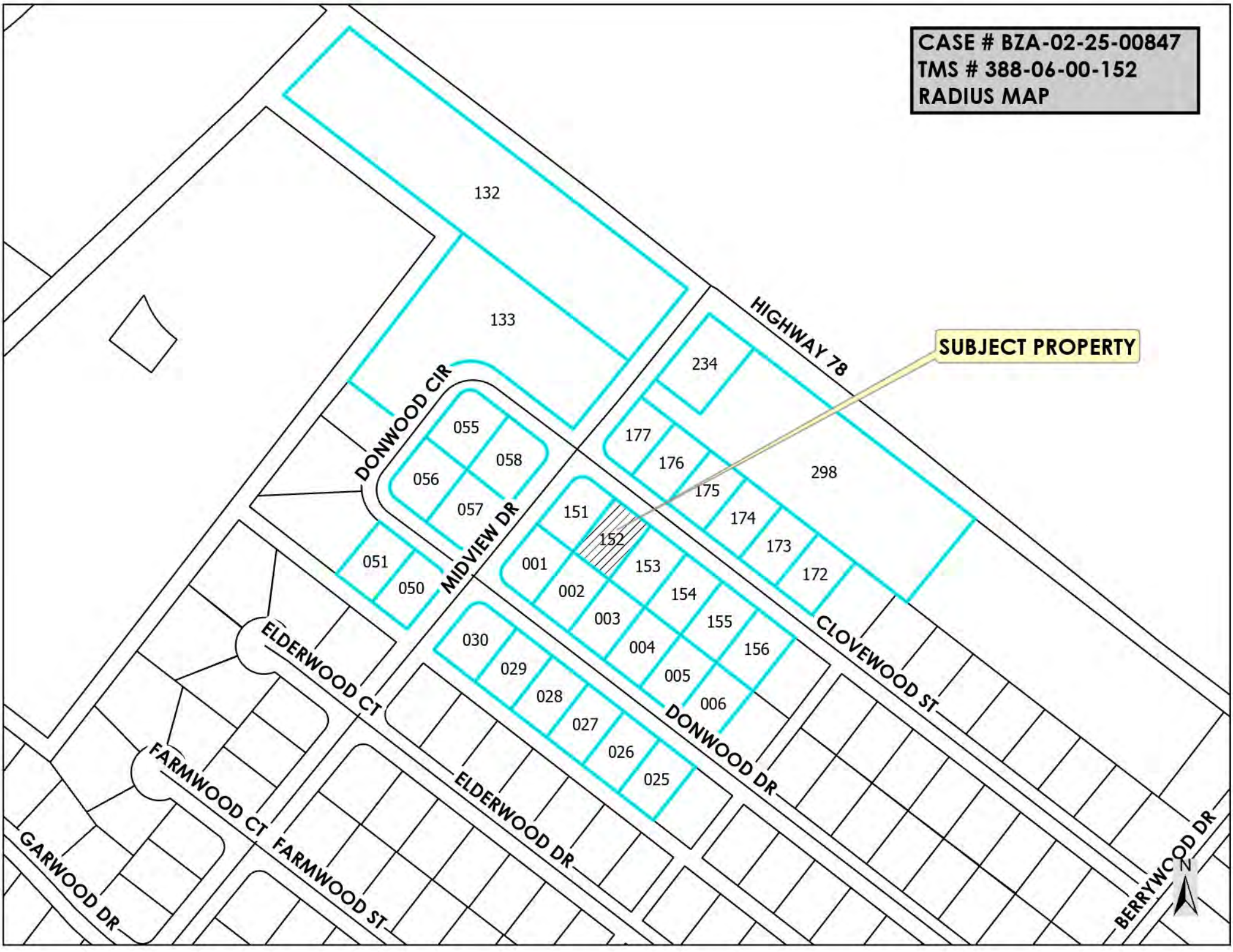
Legend

- Parcel Boundaries
- SUBJECT PROPERTY

Zoning Districts

- CC; COMMUNITY COMMERCIAL
- R-4; LOW DENSITY RESIDENTIAL

CASE # BZA-02-25-00847
TMS # 388-06-00-152
RADIUS MAP



SUBJECT PROPERTY

CASE # BZA-02-25-00847
TMS # 388-06-00-152
AERIAL MAP

CLOVEWOOD ST

SUBJECT PROPERTY

152



CASE # BZA-02-25-00847
TMS # 388-06-00-152
AERIAL MAP

NEW DR
SUBJECT PROPERTY

CLOVEWOOD ST

152

N
ONWOOD DR



Case # BZA-02-25-00847

BZA Meeting of April 7, 2025

Subject Property: 4453 Clovewood Street – North Area

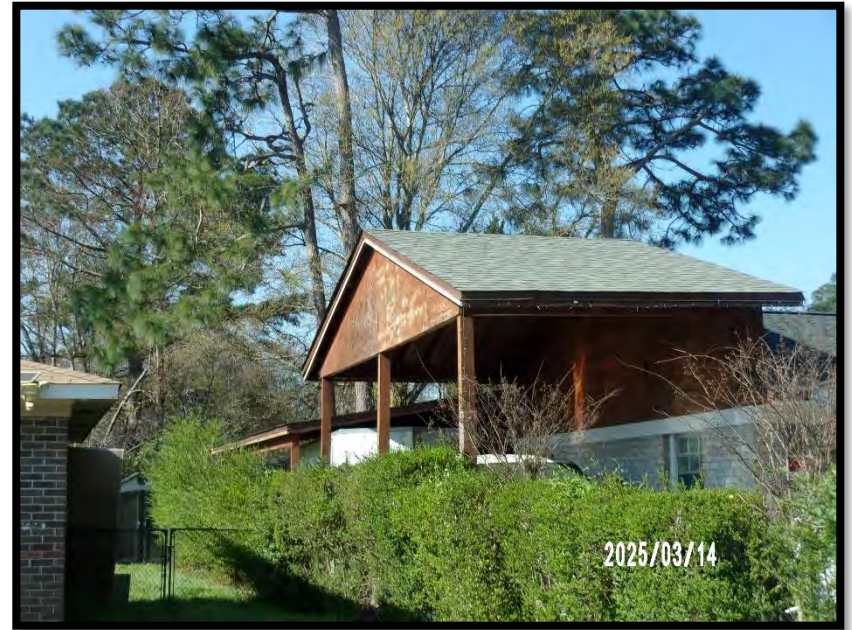
Proposal: Variance request to reduce the required 5' interior side setback and the required 3' interior side setback for existing unpermitted structures (carport and pavilion).



Subject Property



Subject Property



Staff Review:

The applicant and property owner, Macario Lopez Ramirez, is requesting a variance to reduce the required 5' interior side setback for an existing unpermitted attached carport and to reduce the required 3' interior side setback for an existing unpermitted detached accessory structure (pavilion) at 4453 Clovewood Street (TMS # 388-06-00-152) in the North Area of Charleston County. The subject property and the surrounding properties are located in the Low Density Residential (R-4) Zoning District.

The single-family residence and the attached garage (located to the right of the residence) were constructed in 1972 per Charleston County records. The unpermitted carport and pavilion were constructed in 2021 and discovered by Code Enforcement in December 2021.

The applicant's letter of intent states, *"To whom it may concern and for the reason of my request is if I am able to keep the newly added addition to the left of my house. I will be using it to store all my tools and other stuff inside."*

Applicable ZLDR requirements:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.12 R-4, Low Density Residential District, Sec. 4.12.3 Density/Intensity and Dimensional Standards requires a 5' interior side setback for structures attached to the principal dwelling unit.

Chapter 6 Use Regulations, Article 6.5 Accessory Uses and Structures, Sec. 6.5.8 B.3. Accessory Structures in Residential and Residential Office (RO) Zoning Districts requires a 3' interior side setback for detached accessory structures.

Staff conducted a site visit of the subject property on March 14, 2025. Please review the attachments for further information regarding this request.

Planning Director Review and Report regarding Approval Criteria of §3.10.6:

§3.10.6(1): *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

Response: There may be extraordinary and exceptional conditions pertaining to the 0.22-acre subject property. **The applicant's letter of intent states, "Yes, my property has extraordinary and exceptional conditions which sets it apart from other comparable properties in the area."** Therefore, the request may meet this criterion.

§3.10.6(2): *These conditions do not generally apply to other property in the vicinity;*

Response: These conditions may not generally apply to other properties in the

vicinity. **The applicant's letter of intent states, "Extraordinary conditions do not apply to other property in the vicinity."** Therefore, the request may meet this criterion.

§3.10.6(3): *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, Chapter 4, Article 4.12, Sec. 4.12.3 and Chapter 6, Article 6.5, Sec. 6.5.8 B.3. to 4453 Clovewood Street would prohibit the accessory structures from remaining in their current location. The property owner cannot obtain the required permits to be in compliance unless a variance is granted by the BZA, or the structures are demolished. **The applicant's letter of intent states, "If removed from property then it will defeat the purpose of use to what it was built for."** Therefore, the request may meet this criterion.

§3.10.6(4): *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: Authorization of this request may not be of substantial detriment to adjacent properties or to the public good, and the character of the Low Density Residential (R-4) Zoning District may not be harmed if this variance is granted. **The applicant's letter of intent states, "Not at all and I think it would make neighbors happier to have this behind the structure so it is not visible like it is."** Therefore, the request may meet this criterion.

§3.10.6(5): *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 nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;*

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. Therefore, the request meets this criterion.

§3.10.6(6): *The need for the variance is not the result of the applicant's own actions;*

Response: The need for the variance is the **result of the applicant's** own actions because they did not obtain the required permits in 2021. Therefore, the request does not meet this criterion. However, the **applicant's letter of intent** contends, **"No, the actions were unexpected."**

§3.10.6(7): *Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance;*

Response: Granting of the variance may not substantially conflict with the *Comprehensive Plan* or the purposes of the *Ordinance* if the Board finds that the strict application of the provisions of the *Ordinance* results in an unnecessary hardship. Therefore, the request may meet this criterion.

Board of Zoning Appeals' Action

According to Article 3.10 Zoning Variances, Section §3.10.6 Approval Criteria of the *Charleston County Zoning and Land Development Regulations Ordinance (ZLDR)*, (adopted July 18, 2006), 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 (§3.10.6A). A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing their findings (§3.10.6B Approval Criteria).

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 (§3.10.6C).

The Board of Zoning Appeals may approve, approve with conditions or deny Case # BZA-02-25-00847 [Variance request to reduce the required 5' interior side setback for an existing unpermitted attached carport and to reduce the required 3' interior side setback for an existing unpermitted detached accessory structure (pavilion) at 4453 Clovewood Street (TMS # 388-06-00-152) in the North Area of Charleston County] based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision. In the event the BZA decides to approve the application, Staff recommends the following condition:

1. The applicant/property owner shall obtain all required zoning and building permits for the unpermitted attached carport and the unpermitted detached accessory structure (pavilion).

ZONING VARIANCE APPLICATION
Charleston County Board of Zoning Appeals (BZA)

Property Information			
Subject Property Address: 4453 Clovewood St			
Tax Map Number(s): 3880600152			
Current Use of Property: Resident			
Proposed Use of Property:			
Zoning Variance Description:			
Applicant Information (Required)			
Applicant Name (please print): MACARIO LOPEZ RAMIREZ			
Name of Company (if applicable):			
Mailing Address: 4453 Clovewood St			
City: Ladson	State: SOUTH CAROLINA		Zip Code: 29456
Email Address: mramirez1821@gmail.com		Phone #: 843-607-2939	
Applicant Signature: [Signature]			Date:
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Print Representative Name and Name of Company:			
Mailing Address:			
City:	State:		Zip Code:
Email Address:		Phone #:	
Designation of Agent (Complete only if the Applicant listed above is not the Property Owner.)			
I hereby appoint the person named as Applicant and/or Representative as my (our) agent to represent me (us) in this application.			
Property Owner(s) Name(s) (please print):			
Name of Company (if applicable, LLC etc.):			
Property Owner(s) Mailing Address:			
City:	State:	Zip Code:	Phone #:
Property Owner(s) Email Address:			
Property Owner(s) Signature:			Date:
FOR OFFICE USE ONLY:			
Zoning District: R-4	Flood Zone: X (0120K)	Date Filed: 2/25/25	Fee Paid: \$250
Application #: BZA-02-25-00847	TMS #: 3880600152	Staff Initials: jji	

Description of Request

Please describe your proposal in detail. You may attach a separate sheet if necessary. Additionally, you may provide any supporting materials that are applicable to your request (photographs, letter of support, etc.)

To whom it may concern and For The Reason of my Request is, if i am able to keep The Newly added addition to the left of my House, I will be using it to store all my tools and other stuffs inside.

Applicant's response to Article 3.10 Zoning Variances, §3.10.6 Approval Criteria

Zoning Variances may be approved only if the Board of Zoning Appeals finds that the proposed use meets all 7 of the approval criteria. In evaluating your request, the members of the board will review the answers below as a part of the case record. You may attach a separate sheet if necessary.

1. Are there extraordinary and exceptional conditions pertaining to the subject property? Explain:

Yes my Property has extraordinary and exceptional conditions which sets it apart from other comparable Properties in the area, These conditions can bring it to more Value if sold someday

2. Do these conditions generally apply to other property in the vicinity or are they unique to the subject property? Explain:

Extraordinary conditions do not Apply to other Property in the vicinity.

3. Because of these extraordinary and exceptional conditions, would the application of this Ordinance to the subject property effectively prohibit or unreasonably restrict the utilization of the property? Explain:

if removed from Property Then it will defeat the Purpose of use to what it was built for.

4. Will the authorization of a variance be a substantial detriment to adjacent property or to the public good? Will the character of the zoning district be harmed if this variance is granted? Explain:

The disadvantage of this would be The time and money spent,

5. The BZA 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 Nonconforming Use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance. Does the variance request meet this criterion?

Criteria will be met

6. Is the need for the variance the result of your own actions? Explain:

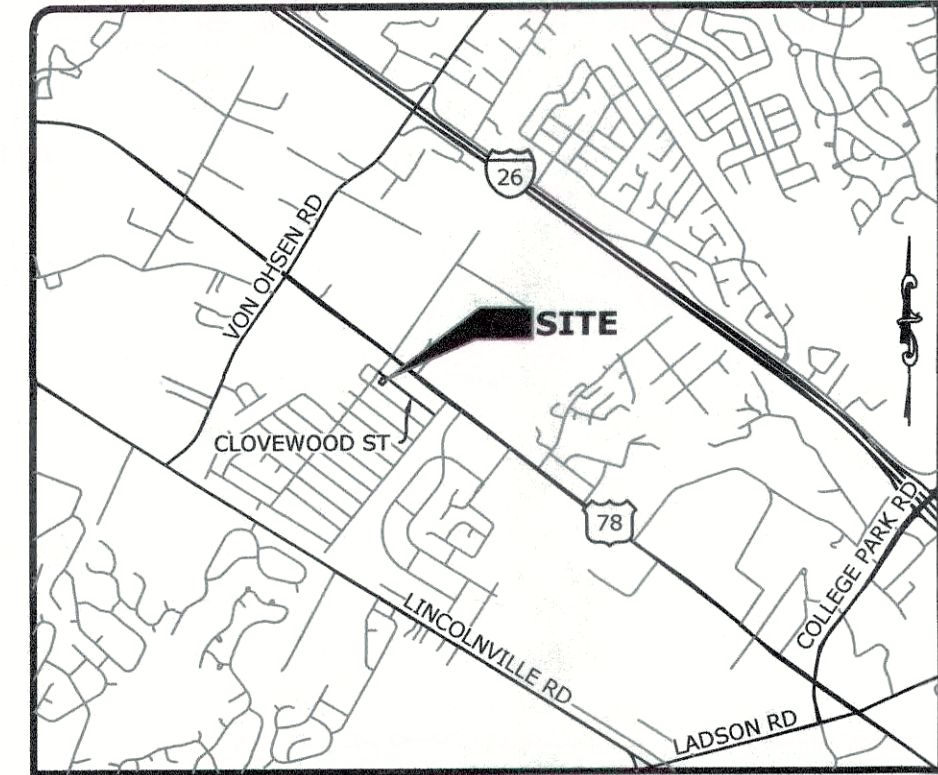
No the actions were unexpected

7. Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance? Explain

Granting of variance does not conflict community or property values

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.

Z:\FORESIGHT SURVEYING PROJECTS\2022 PROJECTS\2022-014 CLOVEWOOD ST.DWG 2022-014 CLOVEWOOD ST.DWG



VICINITY MAP
N.T.S.

REFERENCES:

1. TMS #388-06-00-152
ALFONSO C. LOPEZ REYES AND MACARIO LOPEZ-RAMIREZ
DEED BOOK 0379, PAGE 729
2. PLAT BY E.M. SEABROOK, JR., INC.
RECORDED DECEMBER 10, 1971
PLAT BOOK P, PAGE 049
3. PLAT BY E.M. SEABROOK, JR., INC.
RECORDED FEBRUARY 11, 1970
PLAT BOOK Z, PAGE 074

NOTES:

1. THE SUBJECT PROPERTY SHOWN HEREON IS LOCATED IN CHARLESTON COUNTY AS TMS #388-06-00-152.
2. DATE OF FIELD SURVEY: JANUARY 20, 2022
3. REFERENCES LISTED ARE NOT THE RESULT OF A TITLE SEARCH. A TITLE REPORT HAS NOT BEEN PROVIDED AND THIS SURVEY DOES NOT NECESSARILY INDICATED THE EXISTENCE OF ANY COVENANTS AND RESTRICTIONS, EASEMENTS OR OTHER ITEMS APPLICABLE TO THE PROPERTIES.
4. BY GRAPHICAL PLOTTING ONLY, THIS PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE X, AS PER F.I.R.M. FOR CHARLESTON COUNTY, COMMUNITY PANEL NUMBER 455413 AND MAP NUMBER 45019C0120K, WITH AN EFFECTIVE DATE OF JANUARY 29, 2021.
5. THE HORIZONTAL DATUM IS BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM NAD '83 (2011) AND THE DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.
6. ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS PART OF THIS SURVEY.
7. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF WETLAND AREAS THAT MAY EFFECT THE USE OR DEVELOPMENT OF THIS TRACT. NO MARKERS OF FIELD DELINEATION OF WETLANDS WERE OBSERVED AT THE TIME OF THIS SURVEY.
8. ANYTHING SHOWN HEREON OUTSIDE OF THE PROJECT LIMITS IS FOR GRAPHICAL REPRESENTATION ONLY AND NOT PART OF THIS SURVEY.

LINE LEGEND

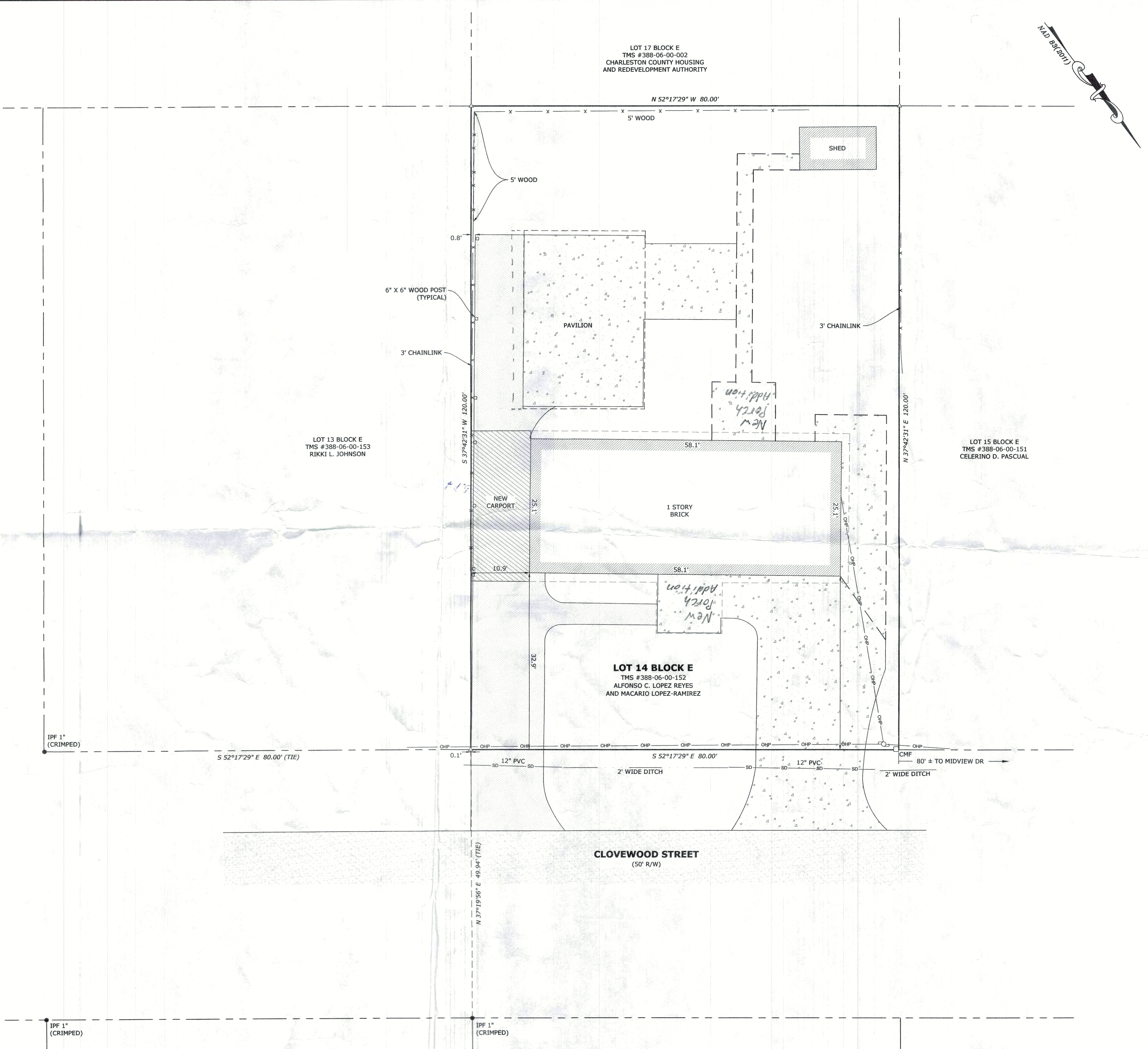
- BOUNDARY LINE
- ADJACENT PROPERTY (NOT SURVEYED)
- X FENCE LINE
- OHP OVERHEAD WIRES
- SD STORM PIPE
- BUILDING OVERHANG
- APPROXIMATE LOCATION (NOT SURVEYED)

SYMBOL LEGEND

- △ CALCULATED POINT (NO MONUMENT SET)
- IPF ● IRON PIPE FOUND (SIZE NOTED)
- IRF ● IRON REBAR FOUND (SIZE NOTED)
- CMF □ CONCRETE MONUMENT FOUND
- POWER/SERVICE POLE

HATCH LEGEND

- BUILDING
- CONCRETE
- NEW CONCRETE
- PAVEMENT



GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

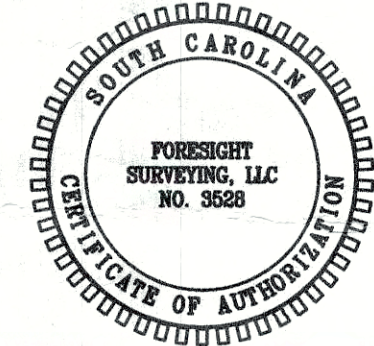
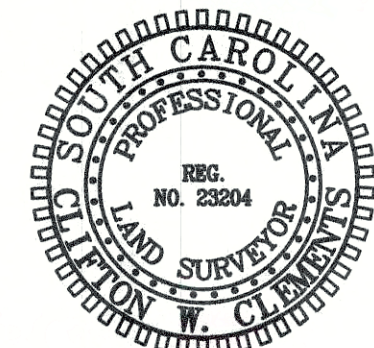
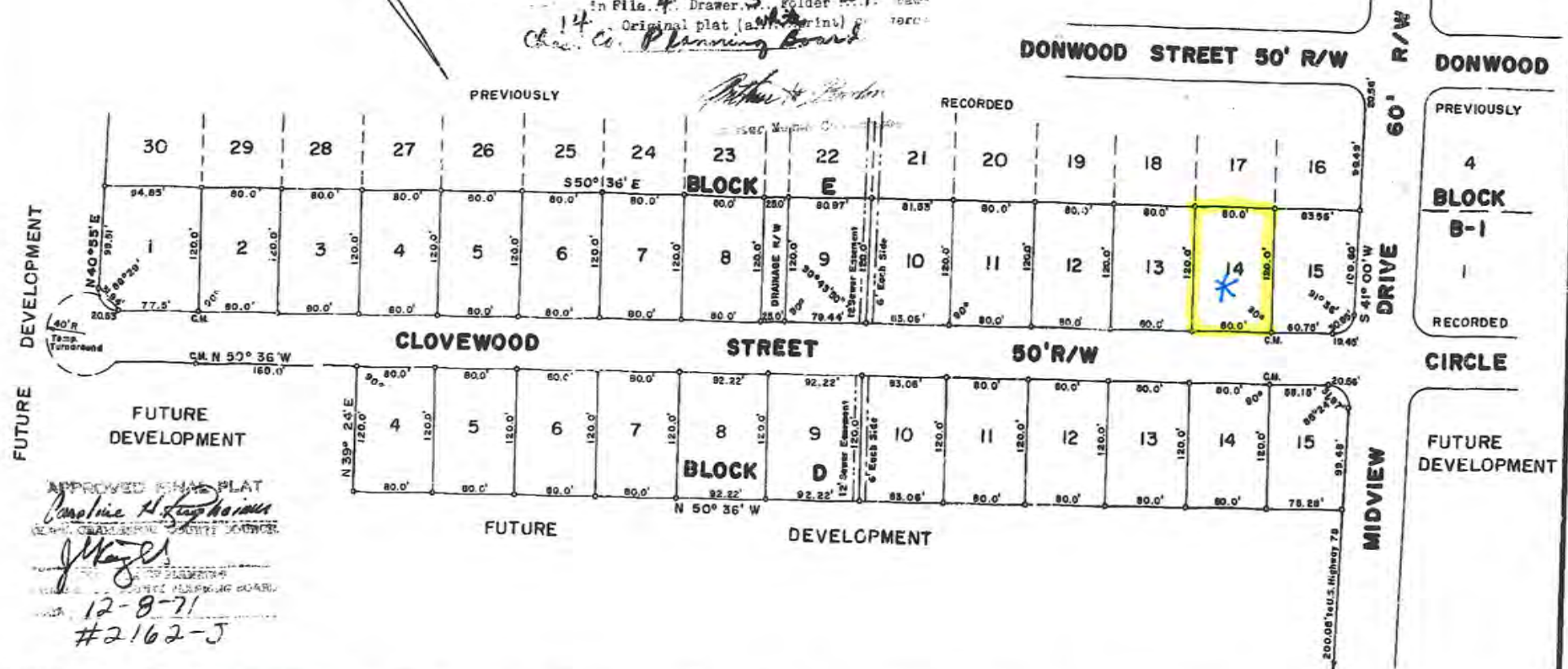


EXHIBIT OF
LOT 14 BLOCK E
TMS #388-06-00-152
PROPERTY OWNED BY
**ALFONSO C. LOPEZ REYES AND
MACARIO LOPEZ-RAMIREZ**
PREPARED FOR MACARIO LOPEZ
CHARLESTON COUNTY, SOUTH CAROLINA



DATE : FEBRUARY 1, 2022
REVISED :
DRAWN BY : BMR
PROJECT : 2022-014
SCALE : 1" = 10'
SHEET: 1 OF 1

South Carolina
 Register of Deeds
 recorded this 10 day of Dec 1971
 in Plat Book Page 49 and tracing cloth
 in File 4 Drawer 3 Folder 24
 Original plat (a.k.a. print) of
 Charleston Planning Board



APPROVED FINAL PLAT
 Caroline H. Hughes
 12-8-71
 #2162-J

WOODSIDE MANOR AND WOODVIEW MANOR

CHARLESTON COUNTY, SOUTH CAROLINA

PLAT OF LOTS 4-15 BLOCK D AND LOTS 1-15 BLOCK E
 SCALE 1" = 100'
 NOVEMBER 16, 1971

- NOTES:
1. ALL CORNERS MARKED WITH PIPES UNLESS NOTED.
 2. ALL CORNERS MARKED C.M. INDICATES CONC. MONUMENTS.
 3. ALL CORNER RADII 20' UNLESS NOTED.
 4. ALL CURVE DISTANCES ARE ARC LENGTHS.
 5. ACREAGE = 7.6 ACRES.
 6. OWNED BY THOMAS M. EVANS AND POWELL AND STALL, INC.

BY THE RECORDING OF THIS PLAT WE HEREBY DEDICATE ALL RIGHTS OF WAY AND EASEMENTS SHOWN HEREON TO THE USE OF THE PUBLIC FOREVER.

Thomas M. Evans
 THOMAS M. EVANS

John Powell Pres.
 POWELL AND STALL, INC.

I, E.M. SEABROOK, JR., a Registered Surveyor of the State of South Carolina, hereby certify that I have surveyed the property shown hereon, that this plat shows the true dimensions of the property, that all necessary markers have been installed and the precision is 1/3000.

E.M. Seabrook Jr.
 E.M. SEABROOK, JR.
 CIVIL ENGINEER & LAND SURVEYOR
 S. C. Reg. No. 1375

E. M. SEABROOK, JR., INC.
 CIVIL ENGINEERS AND LAND SURVEYORS