

June 10, 2004

The Board of Zoning Appeals for the Town of Sullivan's Island met on the above date at Town Hall, all requirements of the Freedom of Information Act having been satisfied.

Present were: Jimmy Hiers
Thom Hiers, Chairman
Jay Keenan
Susan Middaugh
Alice Paylor

Motion was made by Susan Middaugh, seconded by Jimmy Hiers, to approve the minutes of May 13, 2004, carried unanimously.

Thom Hiers stated that the July meeting would need to be rescheduled. The July meeting was set for Thursday, July 22nd at 7:00 p.m.

Barbara Inabinet, 2902 Jasper Boulevard, variance for dock. Ms. Inabinet was represented by Mr. Bill Barr. Mr. Barr stated that they were not asking for a variance, but an extension to the variance already granted in January 2001. Ms. Inabinet did not know the variance expired until a meeting with Mr. Prause in 2003. He stated that the change in the ordinance has not affected this dock. Mr. Barr stated he wanted to differentiate between a substantive provision of the Zoning code versus ministerial provision. The ministerial rules relate to how the zoning ordinances operate in the Town. Looking at it practically, had Ms. Inabinet pulled the permit within the six month period, she would have had a year to build, and could have had the permit extended if there had been no change in the zoning ordinance. Mr. Prause stated that Section 21-68 states very clearly that if a permit is not pulled within six months, that such authorization shall be null and void and no permit shall be issued thereunder. Motion was made by Alice Paylor, seconded by Susan Middaugh, that Ms. Inabinet waived her right to build a dock and that her request to extend the variance be denied, carried unanimously.

Rebecca Campbell, 2910 Jasper Boulevard, variance for dock. Ms. Campbell stated she was never told about the six month rule, and she didn't receive any notification that she received a variance. She asked if she should stay with her original request, or does she need to apply for a different variance due to the ordinance change. Mr. Prause stated at the last meeting there was some confusion about the provisions of the amended dock ordinance, but they have been clarified by Town Attorney Larry Dodds. The way it is currently written, if you could get to a creek of at least 200' of width within 800' within your projected lot lines, then if you could also get to either that creek or a different creek or a different portion of it that was at least 200' wide by angling the dock and it was in an area where there were other angled docks, you could do that. In this particular case, she can't get to a 200' wide creek within the projected lot lines. Motion was made by Alice Paylor, seconded by Susan Middaugh that Ms. Campbell has waived her right to build her dock by not building within the time frame, carried unanimously.

Eric and Hanna Dodson, 1651 Poe Avenue, variance for driveway. Mr. Dodson stated that the current ordinance only allows for a 10' wide entrance to the road; he is asking for a 20' wide entrance. The house is being raised, and he is asking for the same driveway that he had before, just placed in line with the house. Mr. Dodson stated that the new house plan reduces impervious material by 25%. Motion was made by Alice Paylor, seconded by Jay Keenan, that because of the size, location of house, the uniqueness of the lot, the conditions do not generally apply to other property in the vicinity, the reduction of amount of impervious material, application of the ordinance to the particular piece of property would unreasonably restrict his utilization of the property, and it is not of substantial detriment to adjacent property or to the public good, as on Attachment A of his application, that the variance be granted, carried unanimously.

Vince Graham, 1401 Middle Street, variances for setback, lot coverage, and third floor square footage. Mr. Graham was represented by Mr. Bill Barr. Mr. Barr stating they are still in the planning stage. He stated they are requesting three variances: 1) setback 2) lot coverage and 3) third floor square footage. Mr. Graham will demolish the current addition to the stone structure, and replace with another addition. The improvements will not be over 50% value.

#1) Mr. Barr stated that Section 21-28 E of the Zoning Ordinance states that the setbacks be 10' off the property line up to 25', then after 25' they cut in 5', for which they are asking a variance. Mr. Barr stated that due to the sewer line cutting across the lot, the addition has to be built wide because it cannot cross the sewer line. This creates a hardship because they are unable to build longer and narrow into the lot. Also, the configuration of the lot is that it is wider at Middle Street than it is at Poe. As it narrows toward Poe Avenue it further confines on the side lots. Based on the proposed addition, he will be 10' off of both of the side lot lines.

#2) The second request is for a variance for lot coverage; for enclosed principal building coverage. A concrete driveway will be removed that will decrease the impervious area by 1200 sq ft. Mr. Barr stated that the thickness of walls in normal construction is 6" thick. The walls of the church portion of the house are 20-24" thick. Although the footprint is 1,667 sq ft, the heated square footage is 1,300 sq ft. Therefore, the heated square footage is about 300' less because of the thick walls. They are asking for lot coverage of 21.5%, or 213 sq ft over the amount allowed by ordinance, with the proposed structure footprint being 1,376 sq ft. The lot is .32 acre, or 14,150 sq ft.

#3) Mr. Barr stated the third variance is from the requirement that there be no more than 400 sq ft on the third floor. They are able to build a third floor because the house sits almost on grade. There are currently 18' ceilings on the first floor, so they could put in a second floor, and make the existing second floor the third floor. It would then be a traditional three-story house, roughly 9' ceilings on the first floor, 8' ceilings on the second floor, and regular ceilings on the third floor. The third floor is 400 sq ft interior, with extra 120 sq ft added for the exterior walls.

Motion was made by Alice Paylor, seconded by Susan Middaugh, that a variance be granted to build a third floor to 520 sq ft rather than the 400 sq ft in accordance with the reasons stated in his application; the hardship being the existing historic structure and the sewer line, carried unanimously.

Motion was made by Alice Paylor, seconded by Jay Keenan, that condition on Mr. Graham obtaining permission from his neighbors, that he be allowed to have a variance for

side setbacks; the hardship being the existing historic structure and the sewer line; that the building is a very unique building – unlike any other on the Island, carried unanimously.

Mr. Graham withdrew his lot coverage request of 21.5%.

Eleanor Daly, 2408 Raven Drive, variance for rear setback. Mrs. Daly stated they are requesting a variance to build a pool in the backyard due to the unusual nature of the lot. They don't want to impact the trees. They would take up the concrete driveway, which does not meet current ordinance requirements. Mrs. Daly showed a sketch for a pool on the side of the yard, but trees would have to be removed. Mr. Keenan suggested that Mrs. Daly look at a different design or placement of the pool, as she is asking for more than a 50% setback variance. Mrs. Daly withdrew her request.

Mark Weiss, 2608 Bayonne St., variance for time limitation on permit. Mr. Bill Barr represented Mr. Weiss. Mr. Barr stated that this is a Section 21-68 request to extend the variance. Dr. Weiss knew that the variance would expire in six months, and is applying before the six months is up. Dr. Weiss is working with local architect Ray Huff and the plans are not complete. Motion was made by Jay Keenan, seconded by Alice Paylor, to overrule the Zoning Administrator's decision and find that this house was not destroyed by intent or by neglect, and that a variance be granted to build back in accordance with Section 21-41F relative to the percentage of lot coverage, carried unanimously.

Neil Stevenson Architects, 2114 I'on Avenue, variance for required off-street parking. Mr. Loren Ziff of 1412 Thompson has requested a variance for 2114 I'on. He stated it is a parking variance related to the tree on the lot. If the tree were not there, the proposed commercial office building could support 26 parking spaces, as required by ordinance. Because the tree is substantial, they do not want to remove it; however, if the tree is kept, parking required by the ordinance would not be met. They consulted with tree consultant P.O. Mead, who said the tree could be moved but it would be risky. Andrew Burnette of Neil Stevenson Architects stated that they submitted a couple of parking plans. The hardship is the 30' pecan tree, which will short them 5 parking spaces. Originally they thought it would be only 4 spaces, however, an updated survey refined the space, and they will be short 5 spaces. He stated they looked at other commercial buildings and compared the footprint coverage. Mr. Burnette said the size of their building is comparable to the others, but the amount of parking they are providing is much larger than what is provided in other areas of the commercial district. Chairman Hiers stated that the Board had received a letter of opposition from Bobby Thompson of 2917 I'on Avenue. Mr. Keenan stated he applauded their efforts to save the tree, however, they were concerned about giving a variance for off-street parking, when there already is a major concern with parking in the commercial area. They suggested the architects could make the building 1,500 sq ft smaller; then the 21 parking spaces would be enough. Neil Stevenson Architects withdrew their request.

Motion was made by Alice Paylor, seconded by Jay Keenan, to adjourn, carried unanimously.

Respectfully submitted,

Ellen McQueeney

Approved:

Date: _____