

December 9, 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 November 18, 2004, carried unanimously.

Motion was made by Jimmy Hiers, seconded by Alice Paylor, to adopt the Rules of Procedure, as amended, carried unanimously.

Everett Presson, Lot 29-A, Area A; variance for lot reduction. Mr. Presson was represented by Mr. Bill Barr. Mr. Barr presented a GIS map of the area. He stated that he had received a letter from adjacent neighbor, Susan Applegate Herman, in support of the variance. The situation is that a portion of the road is on Mr. Presson's property. This is a liability issue to have it on his property. The options are to ask the Town to remove vegetation and move the road, or Mr. Presson is requesting to be able to draw a line adjacent to the encroaching street to a point, and he will deed the strip to the Town and it will be added to Inlet Drive. Mr. Barr stated that this is an unusual situation and it doesn't occur anywhere else on the island.

Mr. Prause stated that he believes the current conditions do not allow alterations to the lots at all unless minimum size requirements are met, that is why Mr. Presson applied for the variance. There is a hardship, this is an unusual situation, and the ordinance is more restrictive than intended because the travel portion of the right-of-way that provides access to another house has ended up on his property, and it creates a liability. If the lot were big enough, he could reduce size of the lot, but it isn't.

Motion was made by Alice Paylor, seconded by Jay Keenan, to grant the variance because there is an unnecessary hardship within the right-of-way that is on his property; for all the reasons as set forth in the application of Everett Presson; to allow him to reduce his lot size so as to make sure that the right of way is no longer on his property. The extraordinary and exceptional conditions that pertain to this property are that it is located in an area where a right of way has, over time, come on to his property and there are no other known properties that have this similar hardship especially with the vegetation in the area; the conditions probably do not apply to any other property on Sullivan's Island, and the granting of this variance does not prohibit or unreasonably restrict the utilization of the property, carried unanimously.

Eleanor and Michael Washburn, 402 Station 12, variance for eight foot privacy fence at the rear of their yard. They are requesting to build a fence to hide the primary entrance for the Stella Maris help staff, to block the view from cooking for church parties, and to hide trashcans, which face their backyard. They have planted cypress trees, and could take them further, but would have to take three good trees out. They can't get anything tall enough to

grow because of the shade of the trees. The church property has been mounded up, so if they put up a shorter fence, it wouldn't provide a sufficient screen. They have spoken to Father McInerny, and he supports their variance request. The fence would not be seen from the street.

Motion was made by Jay Keenan, seconded by Alice Paylor, to grant the variance because the property is located in such a manner that to do otherwise would restrict the use of the property as a neighborhood as there are extraordinary and exceptional conditions pertaining to this property in that the church building is much closer to the property than it should be under the current ordinance which creates an unnecessary hardship; these conditions do not occur on another property on the island, and that the granting of the variance would not prohibit or unreasonably restrict the use of this property, carried unanimously.

Bobby and Kristin Cummings, 1450 Thompson Avenue. Mr. Bill Barr represented the Cummings. They are requesting a variance for side setbacks. Mr. Barr stated their lot was deep, and about 48 ft across. They are asking for a 5' variance on the unopened portion of Raven Drive, and a 10' variance on the other side. They want to tear down the existing house and build within the current footprint. The house being designed is 3,000 sq ft. It is the maximum house that could be built because of the narrowness of the lot, and narrowness of the footprint. They are also asking for a variance from the 5' inset on the second floor. There is a large oak on the back of the property. If the house was built long and narrow, the tree would have to come down, and it would encroach on the neighbor's view.

Mr. Prause stated that what they have is fine, and it is grandfathered. If the house is removed, they would have to build according to the current setbacks and the ordinance is not being any more restrictive than intended. In fact, it would be operating exactly as it was intended. The Council has decided that setbacks apply, and a reduction is given in amount of setback because of the size of the lot. There are many narrow lots on the island. The current ordinance minimum side setback is 10' on one side, with a combined side setback of 30'. There is an allowance to reduce the side setback 4 inches for every foot less than 105 feet, but no less than 10 ft setback. It also applies to add 5' setback above a height of 25'.

Motion was made by Alice Paylor, seconded by Jay Keenan to grant the variance because it is an extraordinarily narrow lot at less than 50 ft wide; it fronts on two roads and one of the rights-of-way will never be developed. There is no way to build a usable house on this lot to the standards that the city has adopted especially with the setback on the second. According to the plat, in this area the houses next to it are not as narrow as this one, so this condition does not apply to other property in the vicinity of the property. By doing this, it wouldn't prohibit or unreasonably restrict the utilization of the property, and actually is beneficial to the neighbors because they would not be going back so far and block their view, and therefore the variance should be granted as suggested of 5 ft on the Raven side and 10 ft on the adjacent property owner.

Motion to amend the motion was made by Susan Middaugh, seconded by Jimmy Hiers, to allow a 2-1/2 ft side setback on either side, in lieu of 5 ft on one side and none on the other. It would be the same footprint, not blocking the view of the neighbors; it is probably the narrowest lot on the island; there is an exceptional circumstance of being along the Station 24-1/2 right-of-way, with neighboring house on the other side of that built within three feet of

that roadway; and were they to not be granted the variance they might move the house further and create problems for the neighbor, carried unanimously.

Motion carried unanimously.

Steve and Manda Poletti, 1771 Atlantic Avenue, request for variance to cover existing deck with porch and enclose side porch. Mr. Mark Warnock, the builder, represented the Polettis. The variance is for the rear setback. There is no opposition from the immediate neighbors. They are not changing the footprint. Mr. Prause stated that the house was built in the 1940's and it is in the setback.

Motion was made by Alice Paylor, seconded by Jimmy Hiers, to grant the variance because the property was built over the setback at the time. It is a diminutive variance and conditions do not generally apply to other property in the vicinity and it will not prohibit or unreasonably restrict the utilization of the property; and it does not increase the footprint, carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Ellen McQueeney

Approved:

Date: _____