

April 7, 2005

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

Motion was made by Jay Keenan, seconded by Jimmy Hiers, to approve the minutes of the March 10, 2005 meeting, as amended, carried unanimously.

Chairman Hiers noted that a decision regarding a dock made sometime ago has been appealed to Circuit Court. The Town has secured the services of an attorney, and he wanted the attorney present at the BZA meeting if the case comes before the Board again.

Chairman Hiers stated that Steven and Amanda Poletti have withdrawn their application for a rear setback variance.

Chairman Hiers stated that Ernie and Cindy Masters were unable to attend the meeting tonight, and they requested to defer until next month. Motion was made by Jay Keenan, seconded by Jimmy Hiers, to defer the Masters' application until the next meeting, carried unanimously.

Lynn and Frank Harper, 1325 Middle Street. Todd Poore, the contractor for the project, represented the Harpers. They are requesting a variance for side setbacks of 9'2" and 9'2-3/4". They want to move the house toward the back of the lot. The sewer easement severely limits the placement of the house on the property, and a variance is needed for the side setbacks. The non-conforming portion of the house is below flood level and will be demolished. The house will be elevated to FEMA standards. They are not increasing the size of the house, but they are adding a porch. Mr. Prause stated that the house was built under the old requirements of just a ten foot side yard setback no matter what the height on the sides, but now there is a new requirement in place. Mr. Poore stated there were currently elements higher than 25 feet. Mr. Poore stated they have a 5-foot crawl space with a two-story house. Mr. Prause stated he was trying to ascertain if they would become non-compliant by moving the house. If it is where it is now and it is non-conforming, it is not as non-conforming or not as in-violation because the lot is wider there and the lot narrows as to the area where they want to put it. They are still going to have a house that is higher than 25 feet without that additional setback. Mr. Prause stated the other aspect of the amended ordinance now allows the HVAC stands, as shown on the application, to protrude into the required side yard setback as long as they are not more than five feet out from the house, but they can not be closer than 10 feet to the side yard lot line.

Motion was made by Jay Keenan, seconded by Susan Middaugh, to grant the variance to move the house and waive the setbacks requirements because there are extraordinary and exceptional conditions pertaining to this particular property due to the fact that the sewer easement is almost in the middle of the property; the conditions do not generally apply to

other property in the vicinity; because of these conditions, the application of the ordinance to this property would effectively prohibit or unreasonably restrict the utilization of the property;

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the authorization of this variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. The variance would allow them to move the house, the side setbacks would be waived as requested, and the condition of the house once they are finished would be better because there would be no living space beneath the flood elevation and the house will not change in size. Mr. Prause recommended that the motion should be more clear and specific, as they are granting the variance based on moving an existing house, not building a new house that would require meeting all the current ordinances. Jay Keenan made a motion to amend to add to the motion, seconded by Susan Middaugh, to move the existing house at 1325 Middle Street, and if anything happens to the house, then they will have to build to standards that are in effect at that time. Amendment and main motion carried unanimously.

Douglas and Kelly Heath, 2618 Goldbug. The Heaths are requesting a variance for a second curb-cut at 2618 Goldbug. They live six blocks back from the beach and would not be cutting off any public parking. Mr. Prause stated that public parking was one reason for the curb-cut ordinance, however, circular driveways also are not characteristic of Sullivan's Island. Mr. Heath stated that the original plan was to have a horseshoe driveway, but they could not afford it at the time. They tried painting out one driveway on the yard, and there are two large oak trees that make it difficult to turn around. Mr. Heath inquired if he could still pour concrete and not put in the curb-cut. Mr. Prause stated if they meet impervious requirements, they can pave one foot inside the property line, and the driveway can only be 10 feet wide at the property line. Mr. Keenan stated that his concerns are the lot is a typical size lot and they have almost 70 feet in the front yard, so other parking arrangements can be made; and there is nothing extraordinary about the property. Mr. Heath withdrew his application.

Matthew and Linda Norton, 1608 Atlantic Avenue. The Nortons requested a variance for building height and building footprint. The Nortons were represented by Mr. Bob Trussler. They are raising the house at 1608 Atlantic, and stated they no longer request a variance for building footprint, because when the house is raised, the 5-6 inches of brick will be removed and replaced with siding. Mr. Prause stated that the heated space is measured to the outside of the wall studs and does not include exterior material. For the building height variance, it is for a height with setback issue on one side. Mr. Trussler stated that the ridge of a portion of the house will meet, but the cupola and eaves do not at approximately 4-1/2 to 5 feet. Their cupola is 104 square feet but is below 7 feet in height. One side dormer and one side would not be in compliance.

Motion was made by Susan Middaugh, seconded by Jimmy Hiers, to grant the variance to allow the cupola to exceed the existing height of the roof as requested as there are extraordinary and exceptional conditions pertaining to this property. They are essentially elevating the house in place and the cupola is an integral part of the roof and would be difficult to take off. It will stay within the allowed height for a cupola even though it exceeds the typical cupola size. The house is not going to increase in size of the footprint, and is being elevated to meet flood regulations; the conditions do not generally apply to other property in the vicinity. They are elevating a house that is already in place so this variance would not apply should the house be torn down or destroyed in the future and a new house built in the

location. Because of these conditions, application of the ordinance to this property making them remove the cupola and essentially have to re-roof the house, would unreasonably restrict

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the utilization of the property; the authorization of the variance will not be a detriment to the adjacent property or the public good. Susan Middaugh made a motion to amend to add to the motion, seconded by Jay Keenan, to grant the requested variance from the 25 foot side setback because there is an existing dormer on one side that would have to be removed and because the same house is being elevated, it would not make sense to do that; and to accommodate the current structure it would destroy the integrity of the current structure. This is part of the existing house being elevated. Once it is elevated, they will not meet the 25 foot side setback and so a variance is granted for that. Amendment and main motion carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Ellen McQueeney

Approved:

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Date: \_\_\_\_\_

