

August 11, 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  
Alice Paylor

Motion was made by Jay Keenan, seconded by Alice Paylor, to approve the minutes of the June 9, 2005 meeting, carried unanimously.

Chairman Hiers stated that Jack Burton had withdrawn his variance request.

Chairman Hiers stated there was some confusion regarding the first two items on the agenda (the Smythes and the Cummings). These two items were said by the attorney to be settled before tonight, however they have not been settled. Because the Smythes are not present, Chairman Hiers entertained a motion to defer the first two cases. Motion was made by Alice Paylor, seconded by Jimmy Hiers, to defer the Smythe appeals, carried unanimously. Mr. Prause stated he had received a letter from Hagood and Kerr regarding a proposed settlement between the parties, and they asked that Mr. Prause dismiss the Smythe's appeal upon receipt of a written request from the Cummings' to relocate their proposed new residence in accordance with the settlement agreement. Mr. Prause reported that he had indicated that they should instead reach their agreement on their own accord and come to the meeting to request a continuance or withdraw their request. Mr. Bill Barr stated the matter had been resolved and there was a settlement agreement. Mr. Barr stated he received the signed copy this morning and it requires him to inform the zoning administrator that the Cummings will site the house in accordance with the settlement agreement. Mr. Barr stated he will write such a letter to Mr. Prause, which will resolve the matter. Chairman Hiers thanked Mr. Barr for the information, and stated the Board of Zoning Appeals did not need to do anything relating to this matter.

Robert and Kristin Cummings, 1450 Thompson Avenue, variance for curb cut and driveway width. Mr. Bill Barr represented the Cummings. Mr. Barr presented two sketches, with code and with driveway being built double in width. The Cummings are asking to be allowed to build a double width driveway into the property so that they can access the parking area under the house. They had initially planned to build a house where they could enter a 10' driveway which expanded into an apron to allow to turn under the house. The site of the house is in accordance with the settlement agreement entered into with the Smythe's which stipulates that they will not build a house any further toward the water than it sits which is 28 feet off of the street. If they could have built the house closer to the water, they could have had the 10 foot driveway as originally planned. There are six new houses in the area, five of these houses have double width driveways going under their homes. Also, the average setback of the houses in the neighborhood is 37 feet, and the Cummings house is going to be 28 feet off the street. They are asking to build a double width driveway or the alternative, some relief from the ordinance to allow them to enter from the street and be able to go under the house without making a radical turn. The hardship is the fact that they can't build the house any further toward the water that would allow them this ingress and egress freely from the street. Mr. Prause stated that there was no hardship; the settlement agreement was self-

imposed. Mr. Prause stated Town Council had the opportunity to look at this issue in the amended zoning ordinance, and they actually amended it. Section 21-15 A1A amended the requirements in the residential district to provide some relief from non-residential uses such as schools, churches, etc., but they still kept it in Section 21-15 A1B under 10 feet at the street lot line. That is just for an improved driveway. The Cummings could still use the grass on the front of the yard which is over 48 feet according to the survey they submitted. After much discussion, Mr. Cummings withdrew their request.

Sammy Rhodes, 1914 Middle Street, appeal for special exception for use of a historic structure as an accessory building. Tim Reese, realtor, presented with Mr. Rhodes. He stated the accessory building was structurally unfit, but it was not demolished. Mr. Rhodes has met with the Design Review Board. There was much discussion with the Board of Zoning Appeals as to whether the submitted drawings had the correct heated square feet. It was determined that was not a function of the BZA, and would be reviewed by the Building Official and Zoning Administrator. Mr. Rhodes is asking for a special exception to build a second structure and use the historic structure as an accessory building. Mr. Prause stated that the Board decides if the requirements for a Special Exception as noted in Section 21-178 were met. Mr. Prause stated that Item 21-178 C(1) is not really applicable because it is two single family residences in a single-family neighborhood; C(2) is not really applicable, as it is just two single family residences, and there would not be more cars or people volume than any other houses; C(3) loading areas are not really applicable; and it appears the parking as submitted on the plans will be sufficient; and C(4) Mr. Rhodes said that the plans submitted met all the requirements. Mr. Prause stated this would be verified before permits are issued. Chairman Hiers inquired if any variances will be required; Mr. Rhodes stated no variances will be required. Motion was made by Alice Paylor, seconded by Susan Middaugh, to approve the special exception and find that adequate provision has been made for items such as setbacks, fences, and buffered or planting strips to protect adjacent properties from possible adverse influence of the proposed use; further find that vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered; further find that off-street parking and loading areas and the entrance and exits of these areas shall be adequate in terms of location, amount, design and construction to serve the proposed use; further find that the proposed use shall be compatible with existing uses to the extent that such use will not adversely affect the level of property values, general character, or general welfare of the nearby area; and that this special exception is consistent with the Town's desire to preserve historic buildings; carried unanimously.

Mary and James Gatch, 1814 Central Avenue, variance for driveway width. Mr. Gatch stated they wanted to widen their driveway because the tires of the boat trailer roll across the grass. He wants to widen the driveway where it meets the property line another six inches on each side, and to extend the paver stones another 3-1/2' just on the left side. He stated the hardship is there is a ditch across the street with overgrowth, and it hampers backing in the boat. Alice Paylor stated that he needs to go to Council, and ask for a change in the ordinance, as Mr. Gatch does not have a hardship. Motion was made by Alice Paylor,

seconded by Jimmy Hiers, for Chairman Hiers to write a letter to Town Council regarding reviewing the driveway ordinance, carried unanimously. Mr. Gatch withdrew his variance request.

Motion was made by Alice Paylor, seconded by Susan Middaugh, to adjourn, carried unanimously.

Respectfully submitted,

Ellen McQueeney

Approved:

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