

February 10, 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
Susan Middaugh

Motion was made by Susan Middaugh, seconded by Jimmy Hiers, to approve the minutes, as amended, of the January 13, 2005 meeting, carried unanimously.

Chairman Hiers explained to the applicants that there were five members on the Board; there was a quorum with three members tonight. The Board has a rule of operation that applicants have an opportunity to defer one time if there are only three members present. Chairman Hiers ruled to proceed with the applications because the cutting season for wax myrtles ends on February 28, 2005.

Thomas E. and Jane P. McCutchen & McCutchen-Perry, LLC, 2525 Atlantic Avenue. Mr. and Mrs. McCutchen were represented by daughters Jane McFadden and Grace Stelling. They requested a variance to allow for the cutting of wax myrtles to 3-1/2 feet as in many years past. Ms. McFadden stated that the house is a one-story house very low to the ground. While Mrs. McCutchen has health problems as stated on this application and previous applications, Chairman Hiers noted that variances are granted regarding characteristics of the property itself and not of the owners, and stated that the Board has ruled in the past that there are extraordinary and exceptional conditions in that this property and only one other one-story house on the front beach sit directly on the ground. Motion was made by Susan Middaugh, seconded by Jimmy Hiers, to grant the variance as in the past for this property to cut the wax myrtles to 3-1/2 feet. There are extraordinary and exceptional conditions in that this is one of only two houses that are single story houses on the front beach, so these conditions do not generally apply to other property; because of these conditions the application of the ordinance would effect them disproportionately; the authorization of the variance in this situation, which is one of two, would not be a substantial detriment to adjacent property or the public good because the land in front of two houses being cut an extra 1-1/2 feet would not seriously damage the myrtles, carried unanimously.

Pierre Manigault, 2429 Atlantic Avenue. Mr. Manigault was represented by P.O. Mead of Mead's Tree Service. Mr. Mead stated that Mr. Manigault is requesting a variance to cut the wax myrtles to 3-1/2 feet as in the past due to the fact he owns one of two one-story homes on the front beach. Motion was made by Susan Middaugh, seconded by Jimmy Hiers, to grant the variance to allow cutting of the wax myrtles to 3-1/2 feet based on the same rationale as the previous case of Mr. McCutchen, carried unanimously. Susan Middaugh stated that these cases have become harder to consider each year and that it cannot be assumed that variances will be granted in perpetuity. She stated that there are plans to conduct a study of the RC-1 vegetation sometime in the future, and that these two properties should be considered in the context of the new plan that is developed.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Ellen McQueeney

Approved:

Date: _____