

March 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 of the February 10, 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.

Ernie and Cindy Masters, 2707 I'on Avenue, requested a variance to relocate a driveway. Mr. Masters stated he had received authorization from the Department of Transportation to fill the ditch in front of his house, and it is complete. He said there were two curb-cuts existing when he recently built his new house. He wants to shift one existing curb-cut 10 feet to the left for better access to the garage, to save a tree, and to provide an off-street parking space. Mr. Prause stated if he only had one driveway, he could move it anywhere he wanted to. However, he is actually requesting two driveways that will become two improved driveways. Mr. Prause stated that Mr. Masters could keep the asphalt apron that goes to the grass, but if he brings the paving treatment or gravel up to have two improved driveways, it is against the Town ordinance. Ordinance 21-28N states that improved access shall mean all driveways except natural grass or lawn areas. Susan Middaugh stated that what he has asked for is a variance to move one driveway ten feet to the left; and he does not need a variance for that. He actually needs a variance for two driveways for this new house. Jimmy Hiers told Mr. Masters that he should consider having only one driveway improved and leaving the other as grass as it currently is. Mr. Masters requested to defer until the next meeting.

Ben and Penn Hagood, 2424 Raven Drive, requested a variance to widen the neck of the driveway with bricks. Rep. Hagood stated they wanted to add two rows of bricks to the row of bricks already on either side of the driveway. They live on a narrow street, and it is hard to maneuver out of the driveway as there is a two foot open ditch on the other side of the street. Because of the narrowness at the lot line, there is a difficult angle for backing out. They find themselves with this condition because when they renovated the house, they did have a wider driveway with a turn lane. When they renovated, they took out part of the pavement, as they wanted to minimize the pavement. No other driveway on the street is as narrow; some are twice as wide. The hardship is the short length of the driveway, the width of the street, and the house is close to the street.

Motion was made by Susan Middaugh, seconded by Jimmy Hiers, to allow the variance to add two additional rows of bricks to either side of the driveway. There are extraordinary and exceptional conditions pertaining to the property in that the driveway is relatively short and ten feet wide at the apron, and in order to angle the car out they are currently running over the grass, and another exceptional condition is the presence of a two-

foot ditch on the other side of the road. These conditions do not generally apply to other property in the vicinity. There is one other fairly narrow driveway, but it is long and there is no open ditch. Because of these conditions, strict application of the ordinance would create a hardship; the variance would not be of substantial detriment to the adjacent property or the public good, carried unanimously.

Mr. Gould, 1724 I'on Avenue, requested a variance to expand the allowed curb-cut. Skip Stasky with Coastal Estates Contracting represented Mr. Gould. Mr. Stasky stated they are planning to build a two-car garage and are asking for the curb-cut to be expanded. The hardship is the proximity from the garage to Poe Avenue would prohibit an angle of access to the garage, and there is no parking on Poe Avenue. He stated 9 of 12 homes on I'on have two existing driveways. By allowing the expanded curb cut, it will increase traffic flow and safety on I'on, without having parking on I'on. Mr. Stasky stated there is currently gravel there; and bushes would have to be removed on one edge to get into the garage. Mr. Prause stated that the applicant could drive across grass to the garage. Motion was made by Jimmy Hiers, seconded by Susan Middaugh, to grant the variance as there are extraordinary and exceptional conditions pertaining to this particular piece of property such as the fact that Poe Avenue is a very narrow street; they cannot access the garage because of the narrowest of the street; they cannot park on Poe Avenue; other houses in the neighborhood have the same condition; that the authorization of this variance will not be of substantial detriment to the adjacent property or to the public good, carried unanimously.

Steven and Amanda Poletti, 1771 Atlantic Avenue, requested a variance for a rear setback. Kelly Messier, a landscape architect, represented the Poletti's. Ms. Messier stated that the property was given a variance in 1996 to build the pool within the 30' setback and it said the pool could go to within four feet of the property line. The old pool has been removed. The Poletti's want to move the location of the pool. This will be moving the pool away from the neighbors, and they will plant more trees and bushes. The new pool will be within four feet of the setback, and they also want to put pavers, not permanent concrete, in the 4' area of the setback. Ms. Messier stated she interpreted the ordinance that structures could not be placed in that area, but pavers could be placed there. Chairman Hiers asked for Mr. Prause's opinion. Mr. Prause stated that he is basing his opinion on the drawing submitted and the motion that was made in 1996. He stated they have a variance to build a pool as it was originally built; what they want to build is not the same. He stated he does not have the authority to issue a permit to build other than what was approved when the variance was granted in 1996. He stated he has allowed people to encroach into a required setback with those treatments that go right to the pool wall. If they were building a pool that was in compliance with setback requirements, he would allow that to happen. Since the variance was granted and a pool was built which they have now removed and they want to change the pool, he thinks it needs to come back to the Board. Ms. Messier stated that their request should have been to ask for a variance because they have changed the design and location of the pool, not particularly because the design has pavers within the four foot area. Mr. Prause agreed. Chairman Hiers stated that a letter opposing the variance request had been received from William F. O'Dell.

Motion was made by Jimmy Hiers, seconded by Susan Middaugh, to defer the matter until the next meeting, carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Ellen McQueeney

Approved:

Date: _____