

January 12, 2006

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
Jay Keenan, Vice Chairman
Susan Middaugh
Alice Paylor

Motion was made by Jimmy Hiers, seconded by Alice Paylor, to approve the minutes of the December 8, 2005 meeting, carried unanimously.

Sally Self of 2879 Marshall Blvd., to be represented by Hussey, Gay, Bell & DeYoung, Inc., requested to be deferred to next month regarding the variance to construct a hard erosion control structure.

Bobby and Kristin Cummings, 2014 Gull Drive, have withdrawn their variance request for fence height.

Christopher Phillips, Sr., 2824 Atlantic Avenue, variance to install pool in front yard. The Phillips were represented by their son, Chris Phillips. At the last meeting, Attorney Jonathan Yates asked Zoning Administrator Kent Prause to make a determination as to what is the front yard. Mr. Prause stated that it appears that the orientation of all houses in that block are the front yards are to Atlantic Avenue, and the rear yards are to I'on Avenue; and the Board needs to rule on his determination. Mr. Phillips stated that the orientation of the house seems to be opposite of the ordinance. He stated that the extraordinary or exceptional conditions are the pecan trees, the driveway in the front yard per their opinion, and the way the house is oriented. Susan Middaugh stated she failed to see the hardship. There is nothing unique with their case, and the streetscape is closer to Atlantic Avenue, similar to other houses on the street. The interior plan of the house does not override the streetscape. The proposed landscape package to hide the pool is contrary to the intent of the zoning ordinance, as there would be a barricade of vegetation. Motion was made by Alice Paylor, seconded by Jimmy Hiers, to affirm the Zoning Administrator's determination, carried by a vote of three, with Jay Keenan abstaining. Motion was made by Alice Paylor, seconded by Jimmy Hiers, to deny the variance requested as it does not meet the requirements of the ordinance, there are no exceptional conditions, the conditions would apply to other properties in the vicinity so it would not be unique, it would not provide a hardship, and it would be a substantial detriment to the adjacent properties, motion carried by a vote of three, with Jay Keenan abstaining.

McCutchen-Perry, LLC, 2555 Atlantic Avenue, variance to cut wax myrtles to 3-1/2 feet. Mr. McCutchen was represented by Barclay McFadden of 46 Murray Blvd, Charleston. Mr. McFadden stated his father-in-law's home is one of two one-story homes on the ocean front, and they are requesting to cut the wax myrtles to 3-1/2 feet, as has been granted in the past. Mr. Prause stated last year the Planning Commission recommended to not change the trimming and pruning ordinance, and keep the height to seven feet. Town Council changed the ordinance to allow cutting the wax myrtles to five feet. Susan Middaugh stated that because Town Council chose to allow the five feet height, and Council did not include a

provision for these two properties when the amendment was adopted, that it would be very difficult to grant a variance. There are other property owners with two- and three-story houses that do not have a view of the ocean. She stated there has been one lawsuit against the Town regarding this, in which the wax myrtle cutting was mentioned. The Court upheld the Town's ordinance. Mr. McFadden asked to defer his request until the next meeting.

Motion was made by Alice Paylor, seconded by Susan Middaugh, to appoint Thom Hiers as Chairman and Jay Keenan as Vice Chairman for the next year, carried unanimously.

There being no further business to come before the Board, the meeting was adjourned.

Respectfully submitted,

Ellen McQueeney

Approved:

Date: _____