

May 11, 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: Thom Hiers, Chairman  
Jimmy Hiers  
Susan Middaugh  
Alice Paylor

Motion was made by Alice Paylor, seconded by Jimmy Hiers, to approve the minutes of the March 2, 2006 meeting, carried unanimously.

Chairman Hiers encouraged the Board to be vigilant in its motions and actions given its limited authority under the Town's ordinances, noting the near total alteration of the historic structure at 920 Middle, and noting that modifications to the property had been approved by the Design Review Board before the case came before the BZA. He also noted that the SCE&G substation for which this Board granted a variance for is much taller than the Board anticipated and that the Board might have asked if there could be a limit to the height of the structure. Randy Robinson stated that according to electric code, there is a required amount of distance needed between the components. Randy stated he questioned the engineer and was told it could not be installed horizontally. Chairman Hiers suggested that this case also called for the Board to carefully consider all the potential implications of variances and the need for clear specificity in the conditions accompanying any variances granted.

Station 30 LLC, 3019 Marshall Boulevard, variance for additional driveway. Billy Frazier, member of Station 30 LLC, was represented by attorney Henry Taylor of West Columbia, who is also a member of Station 30 LLC. Mr. Taylor presented photographs of the house at partial completion. He stated that previously the Board of Zoning Appeals had granted a variance from the street side setback from 20 feet to 7 feet. Because of the location of the lot and the seven foot setback, the parking underneath the house is inaccessible. Mr. Frazier stated that having one driveway would be fine, however, there is not sufficient room to turn from that driveway into the second parking space. Mr. Taylor stated they are requesting a variance for an additional driveway in order to access both underneath parking spaces. Due to the 7-foot front yard setback the parking area under the house cannot be accessed unless the variance is granted; other lots in the vicinity have ample area on the lot itself to access parking areas; the strict application of one driveway under the ordinance would prevent access to the parking area under the house; the construction of the driveways will be pervious material to include four 2-foot strips; 8 feet total, which will be less than the allowable 10-foot wide driveway; the variance will not interfere with public parking because it is not allowed on the ocean side of Marshall Boulevard.

Motion was made by Susan Middaugh, seconded by Alice Paylor, to approve the application for the variance as requested as this does have extraordinary circumstances in that it is a very narrow lot and the Board previously granted a variance to allow them to build within seven feet of the property line which is 30+ feet back from the road; this puts them in the current position of not being able to bring one driveway in and then putting a concrete pad by which they could access the other side of the house for parking purposes; this is unusual because this property and two other properties are in the high erosion zone where the lots are very narrow; it is also unique in that the property line lies well back from the road so it somewhat restricts the practicality of simply driving in over the grass in wet conditions; these conditions do not generally apply to other properties in the vicinity; in addition this request

would not limit off-street parking in the area because parking is not allowed on that side of the street; because of these conditions, the application of the ordinance for this particular piece of property would disproportionately impact the access to parking areas under both sides of the house; it would not be of substantial detriment to adjacent property; the requirement of the variance allows two narrow strips per driveway as proposed, so this minimizes concrete paving, carried by a vote of 3-1, with Jimmy Hiers casting the nay vote.

Beth McLean, 1312 Poe Avenue and 1317 Middle Street, variances from the requirements for conformance to original subdivision, width to depth measurement, minimum lot area and rear setback for existing buildings for the combination and re-subdivision of existing non-conforming lots. Bill Barr represented Ms. McLean. Mr. Barr stated that the owner wanted to build an addition across the sewer easement, which she could not do, so she acquired the adjacent property with the purpose of realigning the property line, and the Town would be granted an easement to the sewer line. The two lots, parallel to Poe Avenue and Middle Street, are basically the same. They are requesting variances to subdivide into two lots and from the 25 ft setback, reducing to 20' from the rear of both properties. The variances are for existing structures; not for any additions. The additions would meet the current setbacks. Mr. Prause stated that the request is the reconfiguration of non-conforming lots. The 15 ft sewer easement is not in the scope of the Board's authority.

Motion was made by Alice Paylor, seconded by Jimmy Hiers, to grant the variance as specified in the application, and the exceptional and extraordinary conditions that make the variance required are the sewer line that runs through the property and the fact that nothing can be built on top of it or within a certain proximity of the sewer line which unreasonably restricts their use of the entire piece of property; the problem is unique to this area because of the sewer line being there; and it does restrict the utilization of the property because you cannot build over the sewer line which runs through the middle of the property the way the property is configured at the present time; the variances will not be of substantial detriment because they are going from two buildable lots to two buildable lots and there can be no more than two buildable lots; the lots are both to be approximately the same square footage as the ones that are there now; the 20-foot setback variance is for existing structures only; that any addition will have to meet the full zoning law; and it is unique because the proposed changes involve adjacent lots, carried unanimously.

Kimberly Meyer, 2730 Brooks Avenue, variance for rear setback. Mr. Sam Applegate represented Ms. Meyer. Mr. Applegate stated they are requesting a setback variance for Jasper Avenue. The property is at the corner of Brook Street and Station 28, and backs up to Jasper. They are asking for a 5'x10' area at the rear property line on Jasper which goes into the 25 ft setback. The 1994 plat showed the property as 180 ft in depth however, in 2006 the new plat showed the lot as only 174 ft in depth. At the time the Meyers presented to the Design Review Board, everything met the standards. Since it is 174 feet instead of 180 ft, it caused the encroachment into the setback. The setback is about 20' from the property line under the new configuration and it is about 45 ft from back property line to Jasper. The house is in the middle of the lot, and the lot is small at 105 x 174 ft. Mr. Applegate stated that in order to make the property architecturally consistent with the historic dwelling, the way the house is configured, it complies and achieves the best result for the lot by the design

that was approved. If they have to reconfigure the house it will take time, expense, and the family will not be able to use the house. They can not use the house currently as the bathroom has already been demolished, and there is only one bathroom. They have letters from both neighbors stating they have no objections. There will be no adverse impact on the neighbors. Mr. Applegate stated that there are extraordinary and exceptional conditions in that the house is in the middle of a small lot, and the lot is not as deep as a normal lot; they are preserving the historical character of the house; the addition fully complies with what the Design Review Board desires for additions to historical buildings on the island. Total sq footage into the setback would be 50 sq ft. Mr. Applegate stated he believes this property is extraordinary and exceptional in that this house is on the lot, and the lot is shorter than the normal lot; it is unique that it is a smaller lot, it is in the middle of the lot, they haven't attempted to move the house or do anything except preserve the historical character of the house on the lot; they have accommodated the addition tastefully and in an architectural fashion that fully complies with the Design Review Board's intention concerning additions to historical dwellings on the island. Jimmy Hiers stated that he believed the most extraordinary and exceptional condition is the huge buffer from the property line to the road. He stated that if this was an additional structure, he could not support it. However, he stated the best use of a historic structure is to add on to it at the same correct scale, which the Meyers have done.

Motion was made by Alice Paylor, seconded by Jimmy Hiers, to approve the variance as it is an historic house, located on the lot that is there; the addition was designed specifically for this house in an effort to maintain as much of the original building which would include the architecture, size, mass, scale, and the historical fabric of it; the best way to add on to the smaller beach cottages is to essentially build another building with a minimal connection to the existing building and from the elevation drawings, that is what they have done; those conditions with the historic building do not generally apply to other property in the vicinity, and because of those conditions the application of the ordinance to this particular piece of property would unreasonably restrict the utilization of this property, and the authorization of the variance will not be of substantial detriment to adjacent property or to the public good as evidenced by the letters from the neighbors who have no problem with granting the variance, and it truly is a de minimis variance; this variance is for this specific addition only, carried unanimously.

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

Respectfully submitted,

Ellen McQueeney

Approved:

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