

October 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: Thom Hiers, Chairman  
Jimmy Hiers  
Jay Keenan  
Susan Middaugh

Motion was made by Jay Keenan, seconded by Jimmy Hiers, to postpone approval of the September 2006 minutes until the next meeting, carried unanimously.

Chairman Hiers stated that this was his last meeting after almost twenty years on the Board.

Ostrover, Julie and Doug. 2263 Atlantic Avenue, variance for side setback and lot coverage. The Ostrovers were represented by Attorney Bill Barr. Also present were Johnny Jordan, Bill Jordan, neighbor Billy Ford and John Ford. Mr. Barr stated in the block between Station 22-1/2 and Station 23, the tax map shows that these lots are 105' x 210'. He showed two old plats of the Breach Inlet and Harbor sides of the Island prepared by Mr. Lamble in 1899. At the east end of the Island, there are dimensions on the lot of 105'x210'. However, on another survey, which is actually "compiled from the official maps and surveys of Sullivan's Island", there are no dimensions. The lot was formally owned by Dr. Smith and a survey was done in 1953 by Lucas Gaillard that shows the lot at 105'x210'. Mr. Barr stated that all of these lots were conveyed by fee simple title by the Town of Sullivan's Island in reference to this "plat" compilation. It is a historical legal description that has been handed down since these properties were first leaseholds probably back to 1899. The Ostrovers assumed the lot was 105'x210' and designed a house to fit on a 105' lot. If they had not hired John Wade to survey this property, the discrepancy would not have been discovered. John Wade told them their lot was not 105'x210' because the distance between the center line of Station 22-1/2 and 23 is not 420 feet; it is only 415 feet. John Wade surveyed the entire block. The two lots on either end have taken out footage from the middle lots – Billy Ford and the Ostrovers have only 206' to divide between them. The middle point of that point would be the property line between the Ostrovers and the Fords. Mr. Barr stated they are asking the Board to allow them to build this house on the lot as though they had 105 feet of width.

Steve Herlong, architect, stated that the Ostrovers went before the Design Review Board prior to buying the lot, to ensure they could build what they wanted. He stated everyone assumed it was 105'. The DRB has fully approved the house on a 105' lot. Mr. Herlong stated they were given some relief on the basic size of the house which was determined on the size of the lot. Mr. Barr stated the fix to this situation is to get the Town to give 2-1/2 feet of the beach path; and get the whole block to agree to readjust the property lines so that everyone has 105' of width. Mr. Billy Ford, neighbor, stated he would like the opportunity to find his plat that shows his property at 105'.

Zoning Administrator Kent Prause stated that none of this appeared to be relevant. The standard for granting a variance is that there has to be a hardship which prohibits the use of the property or unreasonably restricts the use of the property. The fact that they may have designed a house that won't fit is unfortunate, but all they need to do is design another house. Essentially, the Board is being asked to correct the situation that even the applicant's attorney says the best fix is to resolve the property dispute. How many other lots are out there that this

possibly could happen? Mr. Prause stated the ordinance already provides relief for lots that are less than 105' wide. It allows 4" for every foot that is less than 105', rounded to nearest foot, so they would get one foot.

Motion was made by Susan Middaugh to deny the variance request on the grounds that it is not a unique situation, there are lots of properties on the island that are likely to have a similar problem, and it would be setting a problematic precedent for the Board. The motion was not seconded; Mr. Barr withdrew the variance request.

Motion was made by Jay Keenan, seconded by Susan Middaugh, that the Board go on record and recommend to Town Council of the Town of Sullivan's Island that a plaque be issued to Chairman Thom Hiers for his devotion to this Board of Zoning Appeals over a difficult period of time; and that the Town recognizes that for meritorious service that the plaque be presented to Thom at the most convenient Town meeting when both can be present, 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: \_\_\_\_\_