

December 14, 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: Jay Keenan, Chairman  
Brian Hellman  
Jimmy Hiers  
Susan Middaugh  
Betsy Richardson  
Bachman Smith, III

Chairman Keenan introduced the new members appointed by Town Council: Brian Hellman, Betsy Richardson, and Bachman Smith, III.

Motion was made by Jimmy Hiers, seconded by Susan Middaugh, to approve the November 9, 2006 minutes, carried unanimously. (New members who were not present at the November meeting did not vote).

Chairman Keenan stated that the first item on the agenda, Officers' Quarters LLC, had withdrawn their variance request.

McCutchen-Perry LLC, 2525 Atlantic Avenue, variance for trimming wax myrtles to 3-1/2 feet. Chairman Keenan stated that because both agenda items concerned the same variance request, he recommended the Board hear both requests at the same time; and the Board agreed. Mr. Thomas McCutchen spoke regarding this request as it has been granted for years, as has the variance for Mr. Pierre Manigault. They have the only front beach single story ground level structures on the island. Mr. P.O. Mead of Mead's Tree Service was present to represent Mr. Manigault. Zoning Administrator Kent Prause gave a brief history of the trimming and pruning ordinance to the new Board members. Mr. Prause stated that the Town Council a number of years ago enacted what is commonly referred to as the trimming and pruning ordinance that deals with the accreted land in the front beach area. Initially, front beach owners could trim the wax myrtles to a height of seven feet. Town Council amended the ordinance two years ago to allow the wax myrtles to be cut to five feet. At that point, there was some discussion as to whether these variances would continue to be granted because the request is to 3-1/2 feet. From 3-1/2 feet to seven feet was more than 3-1/2 feet to five feet; however, those variances were also granted. He stated there have been other applications to cut below the allowed height in the past and also to remove some of the vegetation that is not allowed to be cut, and those variances were denied. In fact, one resulted in a lawsuit which was decided in favor of the Town at the Circuit Court level, and it was not appealed.

Motion was made by Bachman Smith, III, seconded by Betsy Richardson to grant the variance for both properties on the grounds that there are extraordinary and exceptional conditions pertaining to both of them. These are the only two homes that are essentially single story at ground level and since the ordinance was set up in 1995 the Board has made, on an annual basis, an exception for these two properties only. These conditions do not generally apply to other property in the vicinity and can not be taken as a precedent for any other front beach property. Because of the unusual conditions of being at ground level, the application of the ordinance as it now stands will disproportionately impact the utilization of the property. Property owners with two stories are allowed to cut down wax myrtles – previously 7 feet but now to 5 feet – so that 3-1/2 feet for these two properties is proportional.

The authorization of a variance will not be of substantial detriment to adjacent property or to the public good. The character of the district will not be harmed by the granting of the variance in these two cases, as the Board has granted for the last 11 years, 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: \_\_\_\_\_