

January 11, 2007

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  
Alice Paylor  
Betsy Richardson  
Bachman Smith, III

Motion was made by Bachman Smith, seconded by Jimmy Hiers, to approve the December 14, 2006 minutes, carried unanimously.

Rhonda Sanders, 1411 Thompson Avenue, variance to complete previously permitted fence. Ms. Sanders stated that when she built the house, she also got a permit to build the fence in 2002. At that time the fence could be six feet high. She did not complete the fence in the back of the property which shares an alley with the house behind her house, which she also owns; and she did not finish the side portion of the fence. She stated she did not finish it because she did not need to at the time, and due to financial reasons after completing her house. She stated that Town Council had permitted her to put a farm fence across to block off the alley because it was not being used. She stated she needs to finish the fence, and it has to be a six foot fence, because her dog will not stay in a 5 ft fence. She also stated that the extenuating circumstance, in addition to her dog, is the fact that she owns both properties and it would not affect anyone except herself. She stated this is very exceptional and unusual.

Zoning Administrator Prause presented what was actually permitted in 2002, which did not include the areas for Ms. Sanders requested a variance. That part is not an expired permit for that portion. The ordinance does not allow a six foot fence now. When Council changed the fence ordinance to five feet they put in a clause that made the permitting of the old Chapter 21 ordinance retroactive. Section 21-7 states: Nothing in this ordinance shall require any change in the plans, construction, size, or designated use of any building, structure, or part thereof, for which a building permit has been granted prior to the ratification of this Zoning Ordinance or amendment thereto, provided construction shall commence consistent with the terms and conditions of the building permit and the zoning ordinance in force at the time of issuance of the permit and shall be completed within two (2) years after such issuance. If it is not completed after two years, it is unauthorized. The fact that someone may not have gotten a permit to do what they wanted to do or to let a permit lapse, while unfortunate, is not rising to the standard of hardship of which a variance could be granted. Mr. Prause also stated the application itself appears to do more with the ownership of a dog rather than any peculiar circumstances that apply to the property.

Bachman Smith inquired if there is a nonconforming use provision in the ordinance, and could this be an expansion of a non-conforming use? Mr. Prause stated that

Nonconformities are in Article 16 of the Zoning Ordinance. He stated this would be a nonconforming structure. The ordinance states that structural alterations including enlargements are permitted if the current structural alteration does not increase the extent of the nonconformity. If the non-conformity is moved, it may be moved in whole or part to another location only if the movement or relocation decreases or eliminates the nonconformity.

Motion was made by Susan Middaugh, seconded by Jimmy Hiers, to deny the application, carried unanimously.

Motion was made by Susan Middaugh, seconded by Alice Paylor, to appoint Jay Keenan as Chairman, carried by a vote of 6-1 with Jay Keenan casting the nay vote.

Motion was made by Jimmy Hiers, seconded by Susan Middaugh, to appoint Alice Paylor as Vice Chairman, carried unanimously.

The Board of Zoning Appeals Rules of Procedure were discussed. Changes to the Rules included:

Article I. Section 1. Change number of members from five to seven.

Article III. Section 2. Change appeal time from fifteen (15) days to thirty (30) days.

Article III. Section 5. Delete section 5 (a)

Article III. Section 6(b) Change a sign shall be placed from 15 days prior to the hearing to 10 days prior to the hearing.

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

Respectfully submitted,

Ellen McQueeney

Approved:

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