

June 14, 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
Betsy Richardson

Motion was made by Jimmy Hiers, seconded by Betsy Richardson, to approve the May 10, 2007 minutes, carried unanimously. All applicants and participants took the oath of office.

Jose Biascochea, 2850 Jasper Boulevard. Special exception requested for historic structure used as accessory dwelling unit. Zoning Administrator Kent Prause reviewed the history of this application, and the last motion made by the Board was to defer the application until a subsequent meeting. Mr. Biascochea stated he has not been back to the Design Review Board after they gave conceptual approval to his plans, and did not plan to apply to the Design Review Board again until the property line dispute with this property is settled.

Motion was made by Jimmy Hiers, seconded by Susan Middaugh, to table this application until the property line dispute is resolved, carried by a vote of four; Betsy Richardson recused from the vote.

Paul Boehm, 3306 Jasper Boulevard. Variance to continue construction of previously approved residence. Chairman Keenan reported to the Board he had received a letter of opinion from attorney Trenholm Walker for the Board's consideration. It stated that Mr. Boehm had the right to pull a permit based on the old ordinance, and he technically did not need a variance. Zoning Administrator Prause agreed with Mr. Walker's opinion. Mr. Prause explained to the Board that Mr. Boehm applied for the permit before the Vested Rights Act became law, and previous old case law was the basis of the opinion. The Board concurred that Mr. Boehm probably would want to withdraw his application; therefore, motion was made by Jimmy Hiers, seconded by Brian Hellman, to defer this application until the next meeting, carried unanimously, in order for Mr. Boehm to be informed by the Zoning Administrator of his decision, and be given the opportunity to withdraw his application. The Zoning Administrator will prepare a letter to Mr. Boehm.

Residents David Skinner, 3302 Jasper, and Mary Sanders, trustee for property at 3304 Jasper, inquired about his application. Mr. Skinner was concerned that since the pool was not permitted on the initial permit with the house, that he could now also state that he had a vested right on the pool application, using the old standards. He was concerned about the location of the pool, as it was pushed further back into the backyard when Mr. Boehm was allowed to change the location of the house to be more in line with other houses in the neighborhood. Mr. Prause stated that Mr. Boehm had made the representation that the pool would come under the new standards, and that it would be an in-ground pool. Mr. Prause noted that Mr. Boehm may have a vested interest to build the pool as previously permitted. Mr. Prause will obtain legal counsel if needed, before issuing a permit for both house and pool.

1902 Middle Street Correspondence

Chairman Keenan stated correspondence from Herlong & Associates Architects was received regarding the house under construction at 1902 Middle Street. The new property owners are requesting that the permit issued to the previous owner be rescinded, and a new permit application under the current guidelines be approved for the new owners. Mr. Prause stated he would submit in writing to agree to a new permit application under the current guidelines.

Respectfully submitted,

Ellen McQueeney

Approved:

Date: _____