

July 10, 2008

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
Alice Paylor, Vice Chairman
Brian Hellman
Susan Middaugh
Bachman Smith

Motion was made by Alice Paylor seconded by Bachman Smith, to approve the June 12, 2008 minutes, carried unanimously.

Chairman Keenan stated that the Ferrell application for 2802 Atlantic Avenue was continued until next month due to a witness not being available for the meeting. He then administered the oath to all applicants and participants.

Wurthmann, Polly; 2209 Middle Street. Special exception request to upgrade existing restaurant. Chairman Keenan asked Zoning Administrator Prause to present. Mr. Prause stated that the restaurant currently known as "Bert's Bar" is closed. The new tenants want to refurbish as a barbeque restaurant. The cosmetic changes will require approval from the Design Review Board. Their request is before this Board because the current version of the Chapter 21 Zoning Code makes all restaurants in the commercial district a special exception. The applicants are requesting a special exception because they want a smokehouse addition on the building. They are not expanding the use that would provide an intensity of the use by serving more patrons; the building will keep the same footprint. Mr. Prause discussed this application with Building Official Randy Robinson and Town Attorney Larry Dodds, and they decided the applicants needed to get the special exception approval because it actually is an enlargement of the existing facility. The special exception requirement is Section 21-50 (C) (1) a-e of the Zoning Code. Their proposal meets all of those requirements; however, there is another aspect of the special exception. Section 21-178 (c) speaks to adequate provisions – the main items in this application would concern protecting adjacent properties from possible adverse influence of the proposed use such as noise, vibration, dust, glare, odor, etc. There was an initial concern about the smokehouse, but what the applicant explained to Mr. Prause is that the cooker is gas and electric, it is inside the building, and it has a flume – there will not be billowing smoke.

Attorney Bill Barr represented the applicants, Aaron Siegel and Randy Abram of Home Team BBQ. Mr. Barr presented photos of the existing Home Team BBQ restaurant in Charleston, and of the smoker cooker, which is 6 cubic feet. Mr. Barr stated that all the provisions of 21-50 (C) (1) a-e are met. Regarding Code Section 21-178, the only issue that may be before the Board is that Station 22 and all the restaurants on that block have huge vent blowers that vent all of their kitchen gases out into the open, and there may be a concern for odor. He believes that the applicants meet both sets of provisions, and asked that the Board grant a special exception.

Bachman Smith stated he supported the application, and although it is not the Board's responsibility, he wanted to raise the point to try to get restaurants to address the odor, garbage and vermin issues that are prevalent in that neighborhood.

Motion was made by Bachman Smith, seconded by Alice Paylor, to approve the application for special exception, carried unanimously.

The meeting was unanimously approved for adjournment at 7:20 p.m.

Respectfully submitted,

Ellen McQueeney

Approved:

Date:
