

December 11, 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
Jimmy Hiers
Susan Middaugh
Bachman Smith

Motion was made by Susan Middaugh, seconded by Bachman Smith, to approve the minutes from the September 1, 2008 meeting, carried unanimously. Chairman Keenan administered the oath to all applicants and participants.

McCutchen-Perry, LLC. 2525 Atlantic Avenue, variance to cut wax myrtles to 3-1/2 feet. Chairman Keenan stated that the McCutchen's had requested a deferral for their application. P.O. Mead from Mead's Tree Service was present. He stated he was representing the Manigault and McCutchen applications. He asked if the Board could first hear the Manigault application, followed by the McCutchen application.

Manigault, Pierre. 2429 Atlantic Avenue, variance to cut wax myrtles to 3-1/2 feet. Administrator Prause stated he did not have any information to present to the Board that has not been heard in previous years. Bachman Smith stated that the Board has heard these applications for years. Motion was made by Bachman Smith, seconded by Susan Middaugh, to approve the requested variance based on the record made in prior hearings; carried unanimously. The record in prior hearings is as follows: motion to approve the application on the findings of previous years that both properties have extraordinary and exceptional conditions. 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 12 years.

Chairman Keenan stated the Board has deferred the McCutchen-Perry application, and their application is the same as the Manigault request. P.O. Mead stated he was representing the McCutchen application. Motion was made by Susan Middaugh, seconded by Bachman Smith to deny the deferral, carried unanimously.

McCutchen-Perry, LLC. 2525 Atlantic Avenue. Administrator Prause stated he had no comments other than ones previously made. Motion was made by Jimmy Hiers, seconded by Susan Middaugh, to approve the variance based on previous years (as noted above in Manigault application), carried unanimously.

Applegate, III, W.E., 1710 Blanchard St., variance for addition to vacation rental property. Attorney Bill Barr requested deferral of this application until the next meeting. Motion was made by Susan Middaugh, seconded by Jimmy Hiers, to accept the request for deferral, carried unanimously.

Smith, IV, Ellison. 1908 Flag Street, variance for side setback. Attorney Frances Cantwell requested deferral of this application until the next meeting. Motion was made by Susan Middaugh, seconded by Jimmy Hiers, to accept the request for deferral, carried unanimously.

After reviewing the schedule of Board meetings for the 2009 year, the Board unanimously agreed to not schedule a meeting in the month of April 2009.

Motion was made by Susan Middaugh, seconded by Jimmy Hiers, to adjourn at 7:20 p.m., carried unanimously.

Respectfully submitted,

Ellen McQueeney

Approved:

Date:
