

May 14, 2009

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: Brian Hellman  
Jimmy Hiers  
Susan Middaugh  
Betsy Richardson  
Bachman Smith

The minutes from the March 12, 2009 meeting were carried unanimously. Mr. Bachman Smith, presiding as Acting Chairman, administered the oath to the applicants and participants. Bachman Smith stated that Heidi Brown requested to defer her application; it will be deferred for one month for clarification and consideration. Her request was approved by the Board.

**2114 I'on LLC, 2113 Middle Street; variances for fence and signage.** Building Official Randy Robinson stated that this is a split-zoned lot, and a commercial building is on the commercial portion of the lot. Owner Loren Ziff is requesting a variance for a portion of the fence to not be opaque. Mr. Robinson stated that Section 21-64 (a) of the Zoning Code states that newly developed non-residential uses shall provide a buffer at the rear of the commercially zoned lot. The buffer shall be a wall or fence that is completely opaque six (6) feet high. He stated if the fence was not opaque, it might set a precedent. Although it may be a safety concern, that hardship test has not been filled. Bachman Smith noted that a letter from Chief Howard regarding the fence dated 2/16/09 was submitted as part of the record. Chief Howard recommended that a view corridor be established from I'on Avenue to see the rear of the building. Bachman Smith stated that the hardship test had not been met, and believes Town Council should consider this, as this type of safety issue may not have been contemplated when writing the ordinance. Mr. Smith also stated for the record, that a letter in opposition to the fence had been received from John and Carolyn Ramsey at 2216 I'on Avenue.

**Motion was made by Susan Middaugh, seconded by Betsy Richardson, that the variance for the fence be denied because it does not meet the four required hardship tests; there are no extraordinary or exceptional conditions pertaining to this piece of property; it is an issue that could come up with any business. The fence requirement is designed to provide a visual barricade; these conditions would apply to other property in the vicinity; denying this application would not effectively prohibit or restrict the utilization of the property; if the Board authorized the variance it could set a precedent that would reduce the screening that Town Council wanted between business and residential property; carried by a vote of 4-1, with Brian Hellman casting the nay vote.**

Mr. Ziff's second variance application was for signage. Building Official Robinson stated the applicant was requesting a variance from Section 21-130(C) (4). The section regarding this request is actually Section 21-131 (G) regarding the commercial district. It states that signs shall be located not less than ten (10) feet out street right-of-way line, unless attached to the wall of an existing building. Mr. Robinson stated that the building is almost on the street and if the sign was placed ten feet from the street, the sign would be behind the building. He noted there was no signage on the building. Mr. Ziff stated that the

sign would be inside the property line, in about 6'9" of the right-of-way. The sign is about 2-1/2 x 3' with a background of 5x3'.

**Motion was made by Jimmy Hiers, seconded by Susan Middaugh, to grant the variance; the application of the ordinance would result in an unnecessary hardship and the standards for the variance have been met; there are extraordinary and exceptional conditions pertaining to this particular piece of property as follows: it is a split-zoned lot and it has a set number of parking spaces, and the location of the parking lot prohibits the proper placement of necessary signage; these conditions do not generally apply to other properties in the vicinity as shown by the exhibits; because of these conditions, the application of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property because this is a commercial business and he would not be able to have a visible sign, and the authorization of the variance will not be of substantial detriment to adjacent property, and the character of the district will not be harmed by the granting of the variance; the location of the sign will be as close to parking space number 4 as possible without eliminating the practical use of that space, carried unanimously.**

**Graham, Vince. 1401 Middle Street; variances for relocation of driveway and installation of iron and granite fence.** Randy Robinson stated that the applicant is requesting a variance from Section 21-139 (b) (2) which states that all fences shall be constructed of wood or manufactured materials that appear to be wood, or wood/wire materials; chain link fences are not permitted. Section 21-139 (b) (4) states that fences located forward of the principal building shall be limited to four feet in height. Mr. Robinson stated the variance application is for a stone fence with rod iron in between the stone pillars, and is taller than five feet. Mr. Robinson noted that this property is unique, and the house is a unique structure. He added that Mr. Graham is not going to add a fence to the right hand side of the house, if you are facing the structure. Mr. Graham signed-off on the changes to the originally submitted site plan, and it became part of the record. The Design Review Board approved the design of the fence in March 2009, subject to variance approval by this Board.

**Motion was made by Susan Middaugh, seconded by Brian Hellman, to grant the variance because there are extraordinary and exceptional conditions pertaining to this piece of property; it is a church that has been converted into a dwelling and is one-of-a-kind on the island; and the fence as proposed is in keeping with the structure. These conditions do not generally apply to other property in the vicinity; there are no similar structures in the vicinity on the island. The application of the ordinance to this particular piece of property would be more restrictive than intended under the ordinance because if the owner were required to meet all requirements in the ordinance that would be a visually inappropriate structure for that particular property; granting the variance will not be a detriment to adjacent property; it is within the property lines and does not affect the neighbors and the public, carried unanimously.**

**Motion was made by Brian Hellman, seconded by Jimmy Hiers to adjourn, carried unanimously.** The meeting concluded at 8:00 p.m.

Respectfully submitted,

Ellen McQueeney

Approved:

Date:

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