

September 10, 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: Bachman Smith, Vice Chair
Jimmy Hiers
Susan Middaugh
Susan Romaine
Elizabeth Tezza

Motion was made by Susan Middaugh, seconded by Jimmy Hiers, to approve the minutes from the August 13, 2009 meeting, carried unanimously.

Vice Chairman Smith administered the applicant and participant oath.

Ron Blanchard, 3117 Marshall Blvd., setback variance. Vice Chairman Smith stated that this request came before the Board last month, and there was opposition to grant the variance from Mr. and Mrs. Bill Walker at 3118 Marshall Blvd, and Mr. Mark George at 3109 I'on Avenue. He added that a plot plan showing the footprint of the building to be constructed has been presented since the last meeting, as requested by the Board. Vice Chairman asked Building Official Robinson to present. Mr. Robinson stated that the applicant is requesting a five foot setback from the street side property line. In the area there is a 30 foot right-of-way between the pavement of the street and the actual property lines. He added that over the years, the Board has allowed almost every property owner in that area to move within five feet of the property line because they would still be 35 feet from the actual edge of the pavement.

Designer Carl McCants represented the applicant. He reviewed the plot plan submitted to the Board.

Chad Waldorf, 3112 Marshall, stated he lives across the street, and was told this particular lot was an unbuildable lot, and would like for the Board to not make a decision until OCRM states whether the applicant can renourish the lot.

Motion was made by Susan Middaugh, seconded by Jimmy Hiers, to accept the applicant's request for a variance to build within five feet of the front property line. There are extraordinary and exceptional conditions in that this is a high erosion zone and it is practical to build a house close to the street side if feasible; and other houses in the area have been, either under the old zoning ordinance or with variances, allowed to build within five feet of the property line. In addition, it will be 35 feet off of the pavement; the Town property is very deep in that area. These conditions do generally apply to other properties in the vicinity; however, they do because the Board has allowed variances to other properties in the vicinity. Because of these conditions, if the Board were not to allow the variance this lot would not be buildable, so it would effectively prohibit and unreasonably restrict the utilization of the property and disproportionately impact beyond the intent of the ordinance. The variance will not be of substantial detriment to adjacent property because all the adjacent property is similarly situated. The Board is not approving anything other than the street side

setback variance, and furthermore, the Board requires that a deed restriction be placed on the property that in the event of erosion, it is the property owner's responsibility to remove the structure if it is condemned, carried unanimously.

There being no further business to come before the Board, the meeting adjourned at 7:30 p.m.

Respectfully submitted,

Ellen McQueeney

Approved:

Date:

October 8, 2009