

April 8, 2010

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: Jimmy Hiers
Thom Hiers
Susan Middaugh
Susan Romaine

Acting Chairman Jimmy Hiers called the meeting to order. Mr. Hiers expressed sympathy for the death of Board member Betsy Richardson, and commended her service to the Board. Jimmy Hiers then introduced Thom Hiers, who is serving as a member to fill the unexpired term of Ms. Richardson. Jimmy Hiers announced that the application for 2928 Jasper was being deferred until the next meeting.

Motion was made by Susan Middaugh, seconded by Susan Romaine, to approve the minutes from the February 11, 2010 meeting, carried unanimously.

Jimmy Hiers administered the applicant and participant oath.

Jennifer Sanford, 1725 Atlantic Avenue. Variance from Section 21-118 (C) to enlarge porch and add covered deck. Jimmy Hiers asked Building Official Randy Robinson to present. Mr. Robinson commented on the submitted plans, and stated that this house is a vacation rental, and it has a current vacation rental license. The applicant is requesting a variance from Section 21-118 (C) which states the certificate of zoning compliance shall not be granted, even if the principal building otherwise qualifies for a certificate of zoning compliance, if subsequent to the ratification of this ordinance, that principal building has been enlarged or raised or otherwise destroyed. The requested variance is for a deck of approximately 475-500 sq ft.

Jimmy Hiers asked Attorney Bill Barr, representing Ms. Sanford, to present. Jimmy Hiers inquired about the late supplement submitted today to the application – as to clarify whether the applicant was asking to overrule the Zoning Administrator instead of asking for a variance? Mr. Barr stated this was not an application to overrule the Zoning Administrator. He continued that this was a variance application to add a deck, but to not lose the vacation rental. He requested a ruling from the Board as to if the applicant built the deck, how would the Board interpret 21-118 (C) for purposes of her vacation rental. Susan Middaugh questioned if Mr. Barr was looking for the Board's definition of enlargement. He responded yes, and that 21-118 (C) provides that the certificate of zoning compliance will not be granted if that principal building has been enlarged. Section 21-203 defines principal building as a building in which the principal use of the lot is conducted. Building square footage principal is defined as not to include exterior porches and decks. This language is also in Section 21-27. Mr. Barr's position was that the term "enlarge" should follow the principal building square footage and not necessarily the principle building on lot with the principle use; and asked for the Board's interpretation. He added that if porches and decks in calculating principal building square footage are excluded, then a deck should not be considered an enlargement.

Mr. Jimmy Hiers stated that this application is to be heard as a variance, and the Board agreed. Susan Middaugh stated that the last variance request heard by the Board concerning a vacation rental was based on how many people are allowed to stay in the house; that if more people could not be added, it should not be considered an enlargement. After further discussion, Susan Middaugh stated at this point the Board should assume enlargement in the broadest sense, meaning its definition is bigger. She suggested the Board could write a letter to Town Council to ask them to review the ordinance and ask them to clarify the language of enlargement.

Mr. Barr stated that there is no immediate remedy for the applicant. He informed the Board that the applicant does not have a hardship, and asked the Board to make a ruling on enlargement; and added that the house now accommodates as many guests as it can as a vacation rental. Mr. Barr asked to withdraw the application at this time.

Motion was made by Susan Middaugh, seconded by Thom Hiers, to ask the Acting Chairman to write a letter to Town Council and request clarification of enlargement for vacation rental home purposes, carried unanimously.

Motion was made by Thom Hiers, seconded by Susan Romaine, to adjourn at 7:40 p.m., carried unanimously.

Respectfully submitted,

Ellen McQueeney

Approved:

Date:
