

May 13, 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
Bachman Smith

Acting Chairman Jimmy Hiers called the meeting to order.

Motion was made by Thom Hiers, seconded by Susan Middaugh, to approve the minutes from the April 8, 2010 meeting, carried unanimously.

Jimmy Hiers administered the applicant and participant oath.

Leland, Dee Dee. 2928 Jasper Blvd., Variance from Section 21-23 E (1) (a) & (b) for setback variance. Jimmy Hiers asked Building Official Randy Robinson to present the application. Mr. Robinson stated that the applicant is requesting a setback variance from Section 21-23 (E) (1) (a) and (b). There are two separate sections to this request. The first is Section A: there must be a 30 foot setback from the lot line bordering the RC-2 Zoning District boundary line or the S.C. Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (SCHEC OCRM) Critical Area Line. The second part of the variance is Section B: No structure greater than four and one-half feet shall be constructed or moved on a lot so that any portion of the structure closest to the rear lot line is further from the center of the right-of-way forming the landward boundary of the lot and running generally parallel with the marshlands than the greatest distance between the center of the said right-of-way to the furthest point of any dwelling on the block on which the lot is located. Mr. Robinson presented an aerial photo to the Board, and stated that 2926 Jasper Boulevard is 276 feet from the center line of the right-of-way, and it is the furthestmost house on the block. If the applicant had to comply with the ordinance relating to Section (b), the applicant would not be able to build the house.

Jimmy Hiers stated letters had been received expressing opposition or concern about this variance request. He then asked the applicant to present.

Carl McCants, architect, MC3 Designs, represented Ms. Leland. He stated that a house was previously on the lot; however, it was destroyed by Hurricane Hugo. He pointed out the footprint of the previous house on the plans. He also presented the proposed house plan, of which 1,256 sq ft is outside of the allowed footprint. The total footprint is about 2600 sq ft, with a total heated space of 4,300 sq ft. The total sq ft of lot used to calculate the size of the house was 21,147 sq ft of high area, which includes a small strip of land that is actually not buildable. There is .486 acres of high land.

Jimmy Hiers asked for public comment. David Poulnot, 3002 Jasper, owns the vacant lot to the north, and spoke on behalf of himself and the Wurthmann family. He stated he opposed the variance and stated the person who purchased the house knew it was unbuildable when she bought it. Del Schutte, 2926 Jasper, stated his house was to the left of the applicant's. He agreed with Mr. Poulnot's statements, and stated that he was denied a variance to build five feet from the back lot line. He added that the lot is buildable without any relief. Ms. Polly Wurthmann agreed with both Mr. Poulnot and Dr. Schutte's comments.

Susan Middaugh stated she did not see a hardship with the side setback (Section A of variance) because the lot is buildable. It would establish a very serious precedent for the RC2 area. However, she added there is a hardship for the second part (Section B) of the variance because not being able to build on a buildable lot would be too restrictive.

Mr. McCants stated that the Board had granted two RC2 setbacks previously for 2662 Goldbug in February 2008 and 1502 Thompson in September 2008. Mr. McCants requested to withdraw Section A of the variance request.

Motion was made by Susan Middaugh, seconded by Susan Romaine, to deny the applicant's request to withdraw "Section A" of variance, carried by vote of 4-1, with Bachman Smith casting the nay vote. Mr. Smith stated the applicant should have been able to defer.

Motion was made by Susan Middaugh, seconded by Susan Romaine, to grant the variance to Section 21-23 (E) (1) (b) ("Section B") because there are extraordinary and exceptional conditions in that this is a flag lot; and the bulk of the lot is not in line with the other houses in the area; to not allow this variance would prohibit building anything on the lot and would exclude the use of the property; and it is platted and the property did have a house on it in the past; these conditions do not generally apply to other property in the vicinity. This lot is farther from the road than the other houses. Because of these conditions if the Board did not grant this variance it would prohibit the utilization of the property; carried unanimously.

Motion was made by Susan Middaugh, seconded by Thom Hiers, to deny the request for relief from Section 21-23 (E) (1) (A) "Section A". The primary ground is that there is no hardship. The house is buildable and there is adequate high ground space without a variance to build a house. It is not a hardship simply to not be able to build a size or specific design that is wanted. Since there is no hardship, the variance is not warranted; carried by a vote of 4-1, with Bachman Smith voting against because he stated the applicant should have been able to defer.

Blanchard, Ronald G. 3117 Marshall Blvd. Variance from Section 21-23 D (1) (a) for setback variance. Jimmy Hiers asked Randy Robinson to present. Mr. Robinson stated that this property has been before the Board before for a street-side variance, and the Board granted a five foot street side variance. Mr. Blanchard has been pursuing a permit for beach renourishment of the property, and he would be able to build a house with the setback line. However, there was opposition for him to bring in the fill, and he has finally received the permission to renourish the beach; however, it is now held up until November due to turtle nesting season. The applicant is requesting a variance form the RC1 line. The definition of RC1 line is (1) the property platted on Sullivan's Island or (2) the primary oceanfront sand

dune as marked in the field by OCRM staff or (3) the seaward face of a functional erosion control device, whichever line includes more area within the RC-1 area. We don't have any of these, so in this case it is the scarp line (line where water comes up). They want to go to scarp line to build until November, and in November when they get the permit from OCRM, they will go ahead and put the 30 feet of sand out in front of the house. Susan Romaine stated that when the Board approved the previous variance request, the applicant stated they would renourish the beach, and then once it was stabilized they would begin construction. Therefore, she inquired why the Board was hearing this current variance request. Mr. Robinson stated it is before the Board because the applicant can not make that happen at this time.

Jimmy Hiers asked the applicant to present. Attorney Jeff Griffith represented Mr. Blanchard. Carl McCants, architect, MC3 Designs, presented maps of the property and the scarp line. The applicant is requesting a reduction in RC1 line in order to build. It is a two-step process, and they still need to go to OCRM after they get the variance. They are 33 feet away from the street but the OCRM line oversteps the property line. Susan Middaugh stated that the Board previously granted the variance of 5' easement with understanding that there was no variance needed on the oceanside. Mr. Griffith stated the applicant is stuck. The sand can not be placed down until November; however, this variance will allow to build at the same place as would build under any circumstance. The placement of the sand will not change the footprint of the house. After further discussion, Mr. Griffith requested that the applicant be allowed to withdraw his variance request.

Bill Walker, 3118 Marshall Blvd, and Eloise Bradham, 3109 I'on, both stated they opposed the variance request.

Motion was made by Susan Romaine, seconded by Thom Hiers, to allow the applicant to withdraw, carried unanimously.

Brown, Heidi. 405 Station 22 Street. Appeal Action of Zoning Official for denial of permit to move into new house. Jimmy Hiers asked Randy Robinson to present. Mr. Robinson gave a brief history. The applicant was granted a special exception by this Board in January 2008 for a historic structure to be used as an accessory dwelling, with the condition that a certificate of occupancy would not be given for either house until renovations on both houses are completed. Because of new information, the applicants are now asking to occupy the new home before reducing the original house on the lot to 1200 sq ft. The applicant has been working with State Archives and History to try to put the original house on the National Register. Attorney Bill Barr, representing Ms. Brown, stated the historic structure is a landmark house, and if the renovations exceed 50% of the value of the structure, the house will have to be raised to meet FEMA standards. The obstacle is that the State and National Historical Society won't consider the house until the demolition and renovations are complete, however, historic designation is needed to not have to raise the house to meet FEMA standards if the cost of renovation is more than 50% of the cost. Therefore, the applicant is asking to submit a bond to the Town to ensure that the renovation is done on the original house. The bond would be \$100,000; the value of structure as of now is \$335K.

Motion was made by Susan Middaugh, seconded by Thom Hiers, that the special exception be amended to allow the applicant to post a bond to ensure their performance of the following: demolition and renovation of the historic property in full compliance of

the Design Review Board’s ruling, to commence within 30 days of the completion of the new house. The payment and performance bond will be posted for \$100,000 not to exceed a two year period, and furthermore upon issuance of the certificate of occupancy, the applicant agrees to commence with demolition and renovation within 30 days. The details and conditions of the bond will be approved by the Town Attorney. These conditions would be binding to the heirs, successors and assigns of the property. Motion carried unanimously.

Motion was made by Susan Romaine, seconded by Jimmy Hiers, to adjourn at 9:10 p.m., carried unanimously.

Respectfully submitted,

Ellen McQueeney

Approved:

Date:
