

September 16, 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: Alice Paylor
Jimmy Hiers
Susan Middaugh
Susan Romaine
Bachman Smith
Elizabeth Tezza

Chairman Alice Paylor called the meeting to order.

Motion was made by Susan Middaugh, seconded by Bachman Smith, to approve the minutes from the June 10, 2010 meeting, carried unanimously.

Chairman Paylor administered the applicant and participant oath.

Jeff Harris. 200 Station 18/1801 I'on Avenue. Variance for two electric meters.

Chairman Paylor asked Building Official Randy Robinson to present. Mr. Robinson presented a survey of the property to the Board. He stated that Section 21-20 (B) (5) states that only one electrical meter is allowed per lot; and Section 21-20 (C) (e) regarding special exceptions in the RS District states that no separate utility service meters shall be permitted.

Chairman Paylor asked the applicant to present. Mr. Harris stated that he is requesting a variance to allow two electric meters, one for the historic house, and one for the new house. He stated the deed says the lot can never be sub-divided; and the hardship is the cost of trenching or boring the electrical line due to the roots of the large oak trees.

Motion was made by Susan Middaugh, seconded by Jimmy Hiers, to not grant the variance on the grounds there is no hardship; there is a financial impact but the Board is not allowed to consider that as a hardship; the house was built under a clear set of conditions, one of them being no separate utility; these conditions would apply to a similar set of circumstances across the island in which there is a small historic home and a second house being built on the property; granting this variance would set a clear precedent that is not advisable; motion failed by a vote of 3-3. (Jimmy Hiers, Susan Middaugh, Susan Romaine- yes; Bachman Smith, Alice Paylor, Elizabeth Tezza – no).

Melissa and Timothy Kelly. 1456 Thompson Avenue. Variance for side setback, RC-2 setback, and to place decking within six feet of property line. Chairman Paylor asked Randy Robinson to present. Mr. Robinson stated the Kelly's are building a new home, and the design has been approved by the Design Review Board. Attorney Bill Barr represented the Kelly's. As presented in the application, he stated the applicants are asking for variances from three sections of the Code: (1) Section 21-22(b) to construct stairs on the side of the property and encroach into the side setback; (2) Section 21-138(5) and 21-139(B) to build pool decking within six feet of the property line; and (3) Section 21-23E(1)(a) and 21-138 A(6) to allow the pool decking to encroach into the RC-2 setback approximately two feet and the pool patio and trellis to encroach 6 feet into the setback.

Landscape architect Kelly Messier stated that the hardship is the lot is only 58 feet wide. The plan submitted does comply with lot coverage requirements.

Chairman Paylor noted that the neighbors have not objected to this application. After discussion, **motion was made by Jimmy Hiers, seconded by Elizabeth Tezza, to grant the first two sections of the three-section application, that both side setbacks be granted because there are extraordinary and exceptional conditions pertaining to this particular piece of property; it is a small and narrow lot; it is a ground level deck; these conditions do not generally apply to other properties in the vicinity; because of these conditions the application of ordinance to this property would unreasonably prohibit or unreasonably restrict the utilization of the property; and the authorization of this variance for these two side setbacks would not be substantial detriment to adjacent property and there are no comments or objections from neighbors about the side setbacks. Motion carried by a vote of 5-1, with Susan Romaine casting the nay vote.**

Motion was made by Jimmy Hiers, seconded by Susan Middaugh, to deny part three of the application because it does not meet the test for hardship regarding the RC-2 setback, motion carried by a vote of 5-1, with Elizabeth Tezza casting the nay vote.

Bachman Smith stated that Alice Paylor and Thom Hiers were leaving the Board, and Randy Robinson introduced the new Board members in the audience, Carlin Timmons and Ward Lasso, who will start serving at the next meeting. Because Alice Paylor is chairman, Mr. Smith suggested that Vice Chairman Jimmy Hiers serve as chairman until the January meeting, when a chairman is traditionally appointed. **Motion was made by Susan Romaine, seconded by Elizabeth Tezza, to have Jimmy Hiers serve as chairman for the rest of the calendar year, carried unanimously. Motion was made by Susan Middaugh, seconded by Elizabeth Tezza, to have Bachman Smith serve as Vice Chairman for the rest of the calendar year, carried unanimously.**

There being no further business to come before the Board, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Ellen McQueeney

Approved:

Date:
