

February 10, 2011

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: Jimmy Hiers, Chairman
Ward Lasso
Susan Middaugh
Susan Romaine
Elizabeth Tezza
Carlin Timmons

Chairman Hiers called the meeting to order.

Motion was made by Susan Middaugh, seconded by Elizabeth Tezza, to approve the minutes of the January 13, 2011 meeting, carried unanimously.

Chairman Hiers issued the applicant and participant oath.

Nathan Bluestein, 2256 Myrtle Avenue A&B, variance for continuation of duplex rental.

Chairman Hiers asked Randy Robinson to present. Building Official Randy Robinson gave a brief history of the property. In 1997 Town Administrator Linda Tucker sent correspondence to the previous zoning administrator, Kent Prause, asking him to investigate an illegal rental at 2256 Myrtle Avenue. Mr. Prause investigated the property in March 1997; no one was home but it appeared to be a duplex. Mr. Prause wrote an initial letter to the owner at that time, Mr. Barry Krell, in 1999 and asked him to come to the office to talk about the property. In November 1999 Mr. Krell sent correspondence to Mr. Prause acknowledging receipt of the letter, and that he would come meet with him. A year later, Mr. Prause sent another letter to Mr. Krell stating that they still needed to meet on the matter. In September 2002, Mr. Prause sent another letter stating the hours he was in the office and his phone numbers, for Mr. Krell to please call to make an appointment to take care of this matter. Mr. Robinson stated that he does not know what happened from that time until October 2010.

On October 1, 2010, the Town received a letter from the tenant of 2256 Myrtle Avenue regarding a complaint in the business district. When verifying the tenant with Town records, Charleston County records indicated this property was a single family residential structure, and there was no record of a Sullivan's Island rental business license. The Town contacted Mr. Bluestein, the owner of the property, and asked him to provide documentation of rental income received and to obtain a business license. Because Exit Realty managed the property, they provided the Town with documentation, and it was a duplex. At that time, Mr. Robinson sent a letter to Mr. Bluestein, advising him that we had documentation that it was a duplex, and it needed to be reverted back to

a single family residence. Since then, in discussions with Mr. Bluestein, he has agreed to convert the structure back to a single family residential structure. However, he has two tenants that currently have a lease agreement with Exit Realty. Exit Realty would like to honor the lease agreements and then revert to a single family residential structure. Mr. Robinson stated the Board had three choices in their decision: to deny the application, to approve the application with conditions, or to defer until next month for legal advice.

Chairman Hiers asked the applicant to present. Ashley Jones, property manager from Exit Realty, stated they have managed this property since 2003. There are tenants in both duplexes, and they have been renting for 5-8 years. One tenant has a lease that ends in November 2011; the other tenant has a month-to-month lease. Because Exit Realty offered these leases in good faith, Ms. Jones would like to honor the leases and then make the transformation as the owner has agreed to, and she would oversee the transformation.

Susan Middaugh stated that for a variance, financial considerations are not a hardship, and there was no hardship for this variance.

Motion was made by Susan Middaugh, seconded by Susan Romaine, to deny the application on the grounds that there is no hardship and that is sufficient that the other tests do not need to be met, carried unanimously.

The Board then reviewed the BZA Rules of Procedures. It was agreed to change Article IV, Section 6(a) to add the sentence, "This means that in case of a tie vote, the motion is denied."

Motion was made by Elizabeth Tezza, seconded by Susan Romaine, to adjourn, carried unanimously.

Respectfully,

Ellen Miller

Approved:

Date:
