

April 11, 2013

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: Susan Middaugh, Chair
Summer Eudy
Ward Lasso
Susan Romaine
Bachman Smith, IV
Elizabeth Tezza
Carlin Timmons

Chair Middaugh called the meeting to order and stated all Freedom of Information Act requirements had been met. Chair Middaugh administered the oath to the applicants and participants.

Motion was made by Bachman Smith, seconded by Susan Romaine, to approve the Minutes from the March 14, 2013 meeting, carried unanimously.

Kelly and Ben Navarro, 801 Star of the West. Variance from RC-1 setback.

Chair Middaugh asked the Building Official, Randy Robinson, to present. Mr. Robinson stated the Board was aware of this property as it has been before the Board the previous two months. The applicant was requesting a setback variance from the RC-1 line. The architect has now moved the structure back to get it off the harbor side in order to create a de minimis variance request on the other side.

Chair Middaugh asked the applicant to present. Architects James Meador and Jeremy Tate with Meadors, Inc., presented for the applicant. Mr. Meadors explained the factors resulting in a hardship.

a) There are extraordinary and exceptional conditions related to this piece of property. The property is a double triangular peninsular lot bordered on water by two sides. The lot is further divided in elevation by a lower section (elevation 7.5 feet) and upper section (elevation 15 feet). Mr. Meadors showed the original footprint of the house. The lot is 1.05 acres, but it also includes marsh, concrete embankment, and easement for turnaround. With those two triangles, the effective buildable area is 16,772 square feet or .385 acres. There is a 8 foot cliff in the middle of the design. There is not another piece of property on the island that has those characteristics. The variance request is for 3 corners of the house – one is three feet, and the other two are two feet each. The total house and hardscape is 6,129 square feet which is 13% of total lot area.

b) These conditions do not generally apply to other property in the vicinity because the shape and elevation change of this property are unique and do not occur elsewhere in this vicinity. When all the

characteristics of the property are combined, there is absolutely no other lot on the island like this property.

c) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property because of the triangular shape of the site and the RC-1 setbacks unreasonably restrict the buildable area.

d) The authorization of the variance will not be of substantial detriment to adjacent property or to the public, and the character of the district will not be harmed by the granting of the variance because there is zero effect on neighboring property. The proximity of this structure to a neighbor is not a factor, and the house is elevated to a point, that from the water, it cannot be seen if the house is on a slab or 3 feet off the ground. And the pool will not be visible from anywhere including on the street because of the elevation.

Also, three variances have been advertised in the newspaper and with a sign on the property, and there has been no citizen opposition to any of the requested variances. Mr. Meadors stated they tried to revise the plan without a variance, but three feet is needed. In order to lessen the variance request; however, the house is moved more toward the public right-of-way.

Susan Romaine stated she had an issue with the fact that this large lot is empty, and the development can be accomplished in accordance with the standards in the zoning code. Bachman Smith stated more information was presented at this meeting to consider, but the points he made against the variance at the last meeting were still valid. Susan Middaugh agreed with their reservations, but stated she did not have a problem with this third presentation of this variance request.

After further discussion, **motion was made by Elizabeth Tezza, seconded by Carlin Timmons, to approve the variance application as submitted for a 3 foot encroachment into the RC-1 setback on the southeast side of the lot. There are extraordinary and exceptional conditions pertaining to this particular piece of property which is that the property is a double triangular peninsular lot bordered by water on two sides. The lot is further divided in elevation by a lower section at 7.5 feet and an upper section at 15 feet. In addition there are two RC-1 setbacks on this lot instead of a normal one RC-1 setback. There are RC-1 setbacks of 30 feet on both the harbor side and the southeast side. These conditions do not generally apply to other property in the vicinity because the shape and elevation change of this property is unique and does not occur elsewhere in this vicinity or on the Island. Because of these conditions, the application of the ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property because of the triangular shape of the site the two RC-1 setbacks unreasonably restrict the buildable area. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance because there is zero effect on neighboring property, carried by a vote of 5-2 (Bachman Smith and Susan Romaine casting the negative votes).**

Chair Middaugh stated the next item on the agenda was discussion of the Board's rules of procedures.

Motion was made by Susan Romaine, seconded by Ward Lasso, to amend Section 6 (a) of the Board's Rules of Procedures to read: (proposed new wording in italics): The Board may deliberate and make a final disposition of a matter by majority vote of members present at the hearing and qualified to vote, provided that not less than a quorum are present. *A majority vote is required for approval of an application. This means that in case of a tie vote, the application is denied, carried unanimously.* Mr. Robinson will consult with Attorney Larry Dodds to determine if this rule is compatible with the Zoning Ordinance, or if it needs to be sent to the Planning Commission for consideration.

Motion was made by Susan Romaine, seconded by Susan Middaugh, to adjourn at 6:55pm, carried unanimously.

Respectfully submitted,



Ellen Miller