

July 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.

Board members present: Elizabeth Tezza, Chair  
Summer Eudy  
Jimmy Hiers  
Ward Lasso  
Susan Romaine  
Bachman Smith, IV  
Carlin Timmons

Staff present: Joe Henderson  
Ellen Miller

Chair Tezza called the meeting to order and stated all Freedom of Information Act requirements had been met.

Motion was made by Susan Romaine, seconded by Bachman Smith, to approve the Minutes of the June 13, 2013 meeting, carried unanimously.

Chair Tezza administered the oath to the applicants and participants. She then asked Zoning Administrator Joe Henderson to present the first application.

**2608 Raven Drive, Christopher MacAvoy. Beau Clowney Architects, applicant, request for dimensional variance from Zoning Ordinance Section 21-23 (E) (1), 30 foot principal building setbacks required from all RC-2 Zoning Districts or OCRM critical line (TMS# 529-06-00-121).**

Mr. Henderson stated the Board moved to defer this application at the June meeting, on the condition that the building footprint be slid forward maximizing the buildable area as opposed to requesting additional variance on the rear portion of the property. The applicant has submitted a revised site plan. All of the site conditions meet the zoning ordinance, however, the applicant can elaborate.

The applicant and owner were represented by Attorney Bill Barr. Mr. Barr reviewed his notes from the last meeting and stated the consensus from the Board was that the house was not maximizing the buildable area because it was sitting about six feet off of the 25 foot setback. In response, the architects moved the house to the setback. They also moved the pool more toward the house away from the critical line. Kate Campbell of Beau Clowney Architects stated the buildable area of the property is the hardship, and it is just over half of what is buildable on the adjacent two properties. The critical line does encroach far into the property.

Bachman Smith stated he did not think that de minimis is a legal standard but he appreciated the effort on the resubmittal. The other Board members also appreciated the applicant's effort, and Jimmy Hiers agreed

that it was a good solution. Elizabeth Tezza reiterated that the Board, at its last meeting, thought the porch in the setback did not concern the Board as much as the pool, as it is an accessory structure.

**Motion was made by Jimmy Hiers, seconded by Carlin Timmons, to approve the applicant's request for a variance based on the extraordinary conditions. There are extraordinary and exceptional conditions to this particular piece of property and those are that the OCRM critical line is very irregularly drawn on this property and that enforcing it would result in a buildable area being too small. These conditions do not generally apply to other property in the vicinity; where the OCRM line is more regular. 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. The authorization of the variance will not be of substantial detriment to the adjacent property or the public good, and the character of the district will not be harmed, carried unanimously.**

**2901 Middle Street. Ronald Denton Architecture, applicant, request for dimensional variance from Zoning Ordinance Section 21-25, which allows a maximum increase of principal building coverage of 20% from the Design Review Board (TMS# 529-12-00-001).**

Chair Tezza asked Mr. Henderson to present. Mr. Henderson stated the applicant requested a combined percent increase in what the Design Review Board (DRB) could give for flexibility on new construction or an addition. On June 19, 2013 the DRB granted the 20% they are allowed to grant, and also recommended that the additional 5% the applicant would request from the BZA would not impact the neighborhood substantially. The dimensional variance was to keep the massing low, as the applicant does not want to go vertical, but wanted to expand the addition horizontally on the lot.

Architect Ron Denton represented property owners Robert and Iris Friedman. Mr. Denton presented the plan, and stated the plan is approximately 110 square feet over what the DRB could allow. He continued that the variance will not be detrimental to the neighbors or the neighborhood. The extraordinary and exceptional conditions are that this is an existing non-conforming house; non-conforming because it already extends beyond the setback and it is canted on the lot. The plan is to work with the structure as it exists, and to keep it a single story house for neighborhood compatibility. The square footage with DRB approval is 2641.8; this variance if granted would add 110 square feet. The downstairs enclosed space of about 300-400 square feet will be deleted after renovations due to FEMA regulations.

**Motion was made by Bachman Smith, seconded by Jimmy Hiers, to grant the variance as requested from Section 21-25 to increase the principal building coverage area to 25% in this case being 110 square feet as there are extraordinary and exceptional conditions pertaining to this particular piece of property as that it is an existing non-conforming single story structure. These conditions do not generally apply to other properties in the vicinity with no other canted structures in the area. Because of these conditions the application of the ordinance to this particular piece of property would effectively unreasonably restrict the utilization of the property as the applicant wishes it to remain a one story house so that they may live out their years on the island. The authorization of the variance will not be of substantial detriment to adjacent property or the public good, and the character of the district in that it will allow the structure to remain a**

single story structure compatible with the neighborhood. The variance is granted with the condition to prohibit future expansion of the building square footage by adding a second story, carried unanimously.

Motion was made by Jimmy Hiers , seconded by Susan Romaine, to adjourn at 7:50 pm, carried unanimously.

Respectfully submitted,



Ellen Miller