

January 9, 2014

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: Bachman Smith, IV, Vice Chairman
 Summer Eudy
 Jimmy Hiers
 Delores Schweitzer
 Carlin Timmons

Staff present: Randy Robinson
 Ellen Miller

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

Motion was made by Jimmy Hiers, seconded by Carlin Timmons, to approve the Minutes of the October 10, 2013 meeting, carried unanimously.

Vice Chair Smith administered the oath to the applicants and participants. He then asked Building Official Randy Robinson to present the application.

2429 Atlantic Avenue. Harriet P. McDougal, requests a variance from Zoning Ordinance Section 21-71 (c) (3) to allow the pruning of wax myrtles on Town owned property to a height of three and one half (3.5) feet.

Mr. Robinson stated that this property, as well as one other one-story house, has been granted a variance for years to prune the wax myrtles to 3-1/2 feet because the house is only one story. He gave a brief overview of the procedure and requirements for cutting in the Town-owned property.

Motion was made by Jimmy Hiers, seconded by Carlin Timmons, to approve the variance request of 2429 Atlantic Avenue to allow the pruning of wax myrtles on Town owned property to a height of 3-1/2 feet. In making this motion, the Board will base part of it on the findings of previous years that this property has extraordinary and exceptional conditions. There are only two houses that are essentially single story at ground level and since the ordinance was set up in 1995 the Board has made, on an annual basis, an exception for these two properties only. These conditions do not generally apply to other property in the vicinity and cannot be taken as a precedent for any other front beach property. Because of the unusual conditions of being at ground level, the application of the ordinance as it now stands will disproportionately impact the utilization of the property. Property owners with two stories are allowed to cut wax myrtles – previously 7 feet but now to 5 feet – so that 3-1/2 feet for these two properties is proportional. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good. The character of the district will not be harmed by the granting of the variance in these two cases, as the Board has determined since 1995. The following conditions will also apply: that the house at 2429 Atlantic Avenue not be altered by increasing the height or square footage and provided that the zoning ordinance regulations do not change

with respect to tree pruning in the RC-1 district, and that the Town of Sullivan's Island does not institute any other type of land management or preservation plan for the RC-1 district restricting the cutting of wax myrtles, carried unanimously.

Vice Chair Smith stated the second item on the agenda was a discussion item concerning the procedures and standards for granting variances; specifically the conditions and limitations the Board can place in granting variances. Mr. Robinson stated that recent variances approved for 923 Osceola and 2672 Goldbug resulted in the applicant being able to go beyond the intent of the variances. The owner of 923 Osceola was given a variance for a swimming pool in the front of the house. The pool was built, and later the owner applied for a pool in the backyard. Because there were no specific limitations or conditions in the variance motion for the front yard pool, the Town Attorney believed the permit for the second pool could not be denied. At 2672 Goldbug a variance was given to encroach into the RC-2 setback. The owner stated she would build a house less than 4,000 square feet, but the plans later showed the house at 4,700 square feet. She stated she was not aware the plans were 4,700 square feet and had the plans redrawn because she did not want a house that large. Because there were no limitations or conditions on the variance motion, she could have built the house of 4,700 square feet if so desired.

Mr. Robinson stated a worksheet regarding the requirements to grant a variance, along with a place to make notes during the applicant presentation regarding possible conditions or statements affecting the variance, would be helpful with making the motions more clear. The Board also discussed using the wording "approving the application as submitted" and "based on material representation made by the applicant" in future motions.

Motion was made by Jimmy Hiers, seconded by Delores Schweitzer, to adjourn at 6:25 pm, carried unanimously.

Respectfully submitted,



Ellen Miller