

1 TOWN OF SULLIVAN'S ISLAND

2 BOARD OF ZONING APPEALS

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11 HEARING BEFORE: BACHMAN SMITH, IV, CHAIRPERSON

12 DATE: February 12, 2015

13 TIME: 6:00 PM

14 LOCATION: Sullivan's Island Town Hall  
15 2050-B Middle Street  
16 Sullivan's Island, SC

17 REPORTED BY: LORA L. McDANIEL,  
18 Registered Professional Reporter

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1 APPEARANCES :

2 BACHMAN SMITH, IV, CHAIRPERSON  
3 CARLIN TIMMONS, BOARD MEMBER  
4 SUMMER EUDY, BOARD MEMBER  
5 DELORES SCHWEITZER, BOARD MEMBER  
6 SARAH CHURCH, BOARD MEMBER  
7 JIMMY HIERS, BOARD MEMBER  
8 RANDY ROBINSON, BUILDING OFFICIAL  
9 JOE HENDERSON, ZONING ADMINISTRATOR  
10 ELLEN MILLER, TOWN CLERK

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1 THE CHAIRPERSON: Have all the Freedom of  
2 Information Act requirements been met?

3 MS. MILLER: They have.

4 THE CHAIRPERSON: Excellent. Has everyone  
5 had a chance to read and review the January minutes?

6 MS. CHURCH: Yes.

7 MS. SCHWEITZER: Yes.

8 THE CHAIRPERSON: Do we have a motion to  
9 approve the January minutes?

10 MS. TIMMONS: I have a couple of tweaks.  
11 Do we make that motion first, or do I tell you my  
12 little tweaks?

13 THE CHAIRPERSON: This is a little bit  
14 new. The minutes are from a court reporter.

15 MR. TIMMONS: The sentences didn't make  
16 sense.

17 THE CHAIRPERSON: I'm with you on that  
18 one, but I'm not so sure that we can do a whole lot.

19 MS. EUDY: Probably how he said it.

20 MS. TIMMONS: Let's don't worry about it.  
21 That's awesome. Simpler. I move that we accept  
22 those minutes.

23 MR. HIERS: Second.

24 THE CHAIRPERSON: All in favor?

25 (All board members stated aye.)

1 THE CHAIRPERSON: Anyone opposed? Passed.

2 Once we're coming to the end of this,  
3 we're going to have to sign this, or I'm going to  
4 have to sign it with this Final Order. I'll take  
5 care of that at the end.

6 Let's go ahead and swear in anyone who's  
7 going to be speaking.

8 Anyone who is going to speak in front of  
9 the board needs to stand up and be sworn in, whether  
10 it's comments or otherwise.

11 Who is administering the oath here? Am I  
12 administering this oath? Does anyone have some words  
13 for me here?

14 MS. EUDY: Just do you swear.

15 THE CHAIRPERSON: Do you swear to tell the  
16 truth, the whole truth and nothing but the truth?

17 (Audience members responded I do.)

18 2618 RAVEN DRIVE

19 THE CHAIRPERSON: We have an application  
20 for 2618 Raven Drive.

21 MR. HENDERSON: On our agenda, this is  
22 listed as agenda item D-1. It's a variance request  
23 for property located at 2618 Raven Drive. The  
24 applicants, William Conklin, and Rachel Burton, who  
25 will be speaking on behalf of Mr. Conklin, are

1 requesting clarification of previously issued BZA  
2 variances. This hearing was on May 9, 2013.

3 And also a request is being made to  
4 consider new survey data that was conducted on  
5 December 4, 2013. And this new survey data will  
6 affect the coverages for the lot, development of the  
7 lot.

8 And essentially what the applicants are  
9 requesting is to allow an increase of all the  
10 coverages commiserate with the highland calculation  
11 from the new survey. The new survey was calculated  
12 at 7,399 square feet, about 100 square feet more than  
13 what was originally surveyed.

14 What I'd like to do is to just briefly go  
15 through the applicant's request. There are four  
16 separate requests here. I'll go through those  
17 sequentially. If you'll notice before you, you have  
18 the agenda. Under that is a list of the four  
19 requests, so you can go through those with me.

20 The first request is to consider a revised  
21 location of the building footprint according to the  
22 revised survey conducted by Mr. John Wade on December  
23 4, 2013. And this will allow the footprint to meet a  
24 15-foot setback from the OCRM critical line and also  
25 a 30-foot setback from the west property line. This

1 is a requirement of the original Final Order.

2 And what I'll do is just put that up  
3 before you. This is the Final Order from the May 9,  
4 2013 meeting.

5 Request number two is that a revision to  
6 the original principal building coverage calculation  
7 be made commiserate with the highland calculation.  
8 That's going from 1,478 square feet to 1,489.9 square  
9 feet, according to the revised upland calculation.

10 In addition to this request is a request  
11 for 20 percent modification to the zoning ordinance  
12 requirement. This is typically a DRB request. It's  
13 part of their variance application tonight.

14 In addition to that, the third request is  
15 that they be allowed to place a pool or spa in the  
16 ground while meeting the 15-foot OCRM critical line,  
17 going outside of the designated building footprint.  
18 I can show a site plan indicating where they're  
19 proposing to put that pool and spa.

20 The fourth request is a clarification that  
21 we confirm the total coverages that are listed there  
22 at the bottom of your potential list of items there.

23 I'll turn it over to you, Mr. Chairman.  
24 If you have any questions about this, I'll try to  
25 answer them.

1 THE CHAIRPERSON: Yeah, if you could  
2 clarify exactly what this one item is that would  
3 normally be in front of the DRB. If you could  
4 explain that a little bit further. And the reason I  
5 ask is because I'm concerned about our role  
6 encroaching on what the DRB does. I don't want to  
7 complicate the matter, but I want to make sure we're  
8 doing what we are allowed to do.

9 If we need to kick it down to DRB, we'll  
10 do that.

11 MR. HENDERSON: During the original  
12 hearing on May 9, 2013, the BZA specifically allowed  
13 the minimal amount of dimensional variance in order  
14 for these folks to build a house. They capped the  
15 principal building square footage at 2,630 square  
16 feet. So any overage of the allowed principal  
17 building coverage would need to be considered by the  
18 DRB.

19 So the original calculation for that --  
20 the original calculation for the principal building  
21 coverage was going to be 1,478 square feet. Because  
22 of the increased square footage of the new survey,  
23 that bumps it up to 1,489.9.

24 I guess the idea here is that the DRB  
25 would consider these folks' design and be able to

1 give them an increase of up to 20 percent; isn't that  
2 right?

3 MR. ROBINSON: That's right.

4 MR. HENDERSON: On a case-by-case basis.  
5 Because the DRB has that duty and right to give that  
6 increase based upon their design and neighborhood  
7 compatibility, the BZA decided to leave that to them.

8 However, the applicants feel as though,  
9 because they're capped at a certain square footage  
10 for principal square footage, why not include that in  
11 this request. I'll let you elaborate on that, on the  
12 rationale for going up to that.

13 MS. EUDY: That would partly be because we  
14 set the numbers in the first place.

15 MR. HENDERSON: Right. And the  
16 coverage -- the coverage will have to be increased in  
17 order to get to that square footage, the heated  
18 square footage essentially.

19 MS. EUDY: They're our own calculations.  
20 Even though we might not have jurisdiction to give  
21 the 20 percent that possibly we can -- because I'm  
22 just thinking out loud here -- because we set the  
23 numbers in the first place. In other words, we kind  
24 of would be overruling ourselves or no? Is that not  
25 the rationale?

1 MR. HENDERSON: The BZA established the  
2 maximum square footage; am I correct there?

3 MR. ROBINSON: It's a principal building  
4 square footage.

5 MR. HIERS: Principal building coverage.

6 MR. ROBINSON: And then there's principal  
7 building footprint. That's what you need 20 percent  
8 in would be footprint.

9 We knew when we came to the Board of  
10 Zoning Appeals from the original variance that the  
11 footprint there was -- you weren't going to be able  
12 to use everything in it.

13 MS. EUDY: Right.

14 MR. ROBINSON: Without going to DRB, and  
15 that's why we left that part off. We didn't say, no,  
16 you can't go to DRB for principal building coverage  
17 like we did for principal building square footage.

18 THE CHAIRPERSON: Any other questions?

19 MR. HIERS: Randy, I heard what you said.  
20 You were originally talking about what the BZA ruled  
21 on the principal building coverage. If we were to  
22 either confirm or deny all of these requests, let's  
23 just say we decided we were going to grant all of  
24 these requests for variance one, two, three and four,  
25 can we -- if we punted -- if we said we're not going

1 to touch the 20 percent modification for building  
2 coverage, can the DRB give them that 20 percent?

3 MR. ROBINSON: Yes, it can.

4 MS. EUDY: They just don't want to go to  
5 another meeting, basically.

6 MR. ROBINSON: That's true.

7 THE CHAIRPERSON: We'll hear from them for  
8 sure.

9 If there are no more questions for Joe at  
10 this time, y'all have the floor.

11 MS. MILLER: Be sure to give your name  
12 before you speak, please.

13 MS. BURTON: My name is Rachel Burton, and  
14 I'm from Swallowtail Architecture. Before I start, I  
15 wanted to introduce my client, Bill Conklin.

16 MR. CONKLIN: I won't hide behind the  
17 board.

18 MS. BURTON: Sorry. He is interested in  
19 purchasing this property and building a home.

20 MR. CONKLIN: In a nutshell, all I really  
21 want is to build a beautiful, modest home there on  
22 Raven. Something that everyone here would be proud  
23 to look at. And get the 2,630 heated square foot  
24 that it said it was for sale. That's it, and nothing  
25 more.

1 MS. BURTON: Before I really begin, I do  
2 want to stress that we're not asking for additional  
3 heated square foot. It was set at that last variance  
4 by the board as 2,630. And we're totally happy with  
5 leaving that.

6 There are issues that have come up that  
7 we're seeking clarification about. When we started  
8 work on Bill Conklin's home, what we realized was the  
9 survey was different than the survey that was used by  
10 the board when you granted your variances.

11 So when I came to meet Joe and Randy,  
12 there was a lot of confusion on our part and their  
13 part as we were trying to figure out what we were  
14 allowed to do and what we weren't allowed to do  
15 because the numbers weren't matching what I thought  
16 and what they thought. And nobody was really sure  
17 how to proceed.

18 What we're seeking clarification from you  
19 about is the numbers that arise out of the new survey  
20 that would be setbacks and area coverages and  
21 clarification specifically about the west setback  
22 line.

23 And then we're asking for two additional  
24 things; one is we want to be able to put a pool or a  
25 spa within the setback from the critical line but

1 outside the building footprint. And then we also  
2 want you to consider whether or not we can have  
3 additional principal building coverage area so that  
4 we can design the building that you have allowed to  
5 be built on this site without the additional time and  
6 expense of going to the DRB.

7 Let me walk you through all those a little  
8 bit slower. This is the site plan, and it's using  
9 all the information from John Wade based on the most  
10 recent survey. The highland area is different. So  
11 what we want to confirm is that we're going to apply  
12 the 15-foot setback for the first story piece; the  
13 additional 10 percent beyond that for the second  
14 story piece; 15 feet on the east side; 30 feet on the  
15 west side. And then loosely following here, 15 feet  
16 from the critical line. But otherwise it was 15 feet  
17 from the critical line.

18 And that resulted in a shape. So even  
19 though it's slightly different than what was there  
20 before, this is the shape that we have with the  
21 dimensions and areas. So we'd like clarification  
22 that, yes, that's what we're going to do.

23 There's one part of the back that I wanted  
24 to specifically address. And that's what happens on  
25 the west side. In the original variance that you

1 granted, this setback intersected the critical line  
2 setback, and that was where that vertical setback  
3 line was set.

4 With this slight difference with the  
5 survey, that no longer intersects. What we'd like to  
6 do is just add that back in. It adds 37.5 square  
7 feet of footprint space and about 47 square feet to  
8 the second floor space.

9 While the footprint is slightly bigger,  
10 we're not asking for that to be reflected in  
11 additional heated square feet, but it will help us  
12 make our principal building coverage easier to  
13 achieve by having that slightly bigger.

14 MR. HIERS: One quick -- sorry for the  
15 interruption. You still want to keep that 15 foot?

16 MS. BURTON: I want to keep 15 feet here  
17 to here. In fact, I want it to be just a little bit  
18 less because what I'd like to do is extend this one  
19 foot six over so it stays within decent building  
20 construction dimensions. I think it's about one foot  
21 seven to the actual intersection of those lines.  
22 Just to be safe, I'd like to just keep it inside so  
23 that we're not stepping over that.

24 MR. HIERS: The one foot seven is going to  
25 be 15 feet?

1 MS. BURTON: Yes, yes, exactly. It will  
2 be 15 feet from that point to the critical line.

3 MR. HIERS: Thank you.

4 MS. BURTON: In summary, we just wanted to  
5 clarify that we're going to use the survey. We're  
6 going to use all of the things that you agreed in  
7 that variance to establish the setbacks. And then  
8 where the resulting figure comes out, that's what  
9 we're going to use.

10 As far as the principal building coverage  
11 area, what I wanted to do is just illustrate how  
12 difficult it is to achieve having a home be as large  
13 as 2630, which is what you allowed on this property  
14 without an increase to the principal building  
15 coverage area.

16 So you could see, if you said I want to  
17 have a porch on the marsh, which of course is  
18 naturally what you want to do, then you're going to  
19 have it looking something like this. You would have  
20 a porch first and second, some kind of entry porch.  
21 And the total heated square footage is 2,355.

22 And the principal building coverage is  
23 just under what we're allowed to build. This would  
24 be the kind of look of what the building would be if  
25 we met the principal building coverage, but it really

1 is much smaller than what you granted that we could  
2 build. We would like help so that we could build a  
3 home that is defined within the variance that we can  
4 build.

5 If we take one of the marsh porches and  
6 enclose that to some degree, then we would be  
7 about -- the total square footage comes to 2,510,  
8 which is still below what you have allowed us to  
9 build. Our principal building coverage has gone up  
10 to 1,640. That would be just under 11 percent  
11 increase to be able to do that.

12 So we don't need a full 20 percent, but we  
13 do need some help to be able to build what you have  
14 allowed us to build on the site.

15 THE CHAIRPERSON: You're being very clear  
16 about this. I appreciate it. We've gone from the  
17 first issue to a second issue. And the second issue  
18 now is getting into the realm of the -- where we're  
19 crossing over into the DRB world.

20 MS. BURTON: Yes.

21 THE CHAIRPERSON: To try to make things  
22 clear for us as we move through, in order to do this,  
23 we're going to need -- we'd like to consider doing  
24 this for each issue.

25 MS. BURTON: One at a time?

1 THE CHAIRPERSON: Right. So what we're  
2 going to need to do next is I want to ask. It's  
3 going to be slightly different here. You're going to  
4 present on each piece as you go. We'll ask some  
5 questions, we'll offer a little bit of public input.  
6 Then kind of make a motion for each piece to keep it  
7 clear in everyone's mind, if that's okay.

8 MS. BURTON: Okay.

9 THE CHAIRPERSON: With that, addressing  
10 the clarification, number one, the setback  
11 clarification, anyone have any questions regarding  
12 what they are seeking on the setback clarification?

13 MS. CHURCH: I do. The survey was from  
14 2008. And then the second survey was 2013; is that  
15 right?

16 MS. BURTON: Uh-huh.

17 MS. CHURCH: Was it the same surveyor?

18 MR. CONKLIN: I think it was 2012 to 2013.  
19 So one year. Not a big change.

20 MS. CHURCH: Was there any sense in why this  
21 was such a -- I've worked in surveying. I do know there's a  
22 lot -- there is some leeway there. Was there a noticeable  
23 change in the land or was it just figuring?

24 MS. BURTON: When we first looked at it,  
25 they did look identical. I mean, you have the same

1 basic look and shape. Initially, I don't think  
2 anybody was aware that they were different until I  
3 started, you know, actually importing it, putting it  
4 in my drawings and then looking at it in detail and  
5 going: I'm not sure what to do because these aren't  
6 matching what was in the variance.

7           Initially when you first looked at it,  
8 they did look to be so similar that, unless you were  
9 specifically analyzing it, I don't think you would've  
10 noticed.

11           MR. HIERS: We have a copy of the new --  
12 the December of '13 survey. That's the newest one.

13           MS. BURTON: Yes.

14           MR. HIERS: Do we have a copy with  
15 dimensions of the earlier one?

16           MR. HENDERSON: We do. It's actually  
17 incorporated in the packet. It's actually up here on  
18 the screen. This is what we used to render all of  
19 our building footprints.

20           MR. ROBINSON: That's correct. The first  
21 survey was done pretty specifically, looking more for  
22 the critical line, getting OCRM to sign-off on the  
23 critical line.

24           Once more research was done on this block,  
25 and Mr. Wade I believe did just about all the surveys

1 in the block, there was more room. That happens  
2 very -- it's very common to find ten feet in a block.  
3 That was found. Some extra room was found.

4 MR. HIERS: New total is 7,399 square  
5 feet. Old total was?

6 MR. HENDERSON: 7,297. Roughly 100.

7 MR. HIERS: I'm ready to make a motion.

8 THE CHAIRPERSON: Hold on. Since we're  
9 going to do it this way, we have to offer anyone else  
10 a chance to speak out there, if they would like to.  
11 Is there anyone in the audience that has anything to  
12 add at this moment?

13 Grant.

14 MR. EUBANK: I would just say the survey  
15 itself, is that the most current? There's some trees  
16 on the property. I don't see really any trees.

17 THE CHAIRPERSON: If you identify  
18 yourself, just for the record.

19 MR. EUBANK: Graham Eubank. We built a  
20 house right next door to this property. I'm not  
21 sure -- to me, the wetlands, if you look at the  
22 wetlands on our side of the property, 81-and-a-half,  
23 it seems like they come actually further down than  
24 that point right there is what they're showing.  
25 There's some trees on the property. I just want to

1 clarify that.

2 MR. HENDERSON: There are several palms  
3 here.

4 MR. EUBANK: There are other trees along  
5 this line right here. Right along this property line  
6 there's some trees. There's a tree back here. There  
7 are a couple trees missing. I don't know if that  
8 survey is correct.

9 And the wetlands to me, I have some  
10 photographs. It seems like this does not come down  
11 to an exact point. Seems like standing water sitting  
12 here. I'm not a surveyor. That's what I've noticed.

13 THE CHAIRPERSON: Okay. Anyone else?

14 MR. HIERS: We're being asked to grant a  
15 request. Are we being asked to grant a variance on  
16 this request number one or request for clarification?

17 MR. HENDERSON: I think what we will be  
18 doing is modifying the original Final Order issued  
19 from the May 9, 2013 meeting. The only language I  
20 believe that would change, if we were to grant the  
21 approval of all of these conditions, is where the  
22 request for the pool and spa would be worked into the  
23 second condition. Let me just put that up for you.

24 MR. HIERS: I think we're going to do it  
25 one at a time.

1 MR. HENDERSON: One at a time, okay.

2 MS. EUDY: This particular number one  
3 basically is allowing them to work off the second  
4 survey as opposed to first survey is my  
5 understanding; is that right?

6 MR. HENDERSON: Right.

7 MS. EUDY: Our motion was based on the  
8 first survey.

9 MR. HENDERSON: That's right. It would  
10 amend the Final Order.

11 MS. EUDY: To use the 2013 survey?

12 THE CHAIRPERSON: Right. The question  
13 we're having difficulty with. How about this? I  
14 don't believe we will make a motion to amend any  
15 orders at this stage.

16 I think we are going to -- and perhaps the  
17 way to do is maybe not even via motion at this stage.  
18 Maybe it is to come to an agreement as to how we feel  
19 about each item as we get to it. And then in the end  
20 we can make the motion to amend the order to take  
21 into consideration what we've agreed to. I know this  
22 is difficult with a bunch of different steps.

23 I think it's important to kind of keep it  
24 clear so we can find out where we -- by doing it this  
25 way, we might be able to do a little bit of issue

1 spotting as we go along. With that, you know, if a  
2 motion is not the proper way to do it. Does anyone  
3 have any questions regarding the setback  
4 clarifications or, for that matter, how about this?

5 Does anyone have any outright objections  
6 to what they're requesting in their first request  
7 here?

8 MS. TIMMONS: I think it's a very  
9 reasonable request.

10 MR. HIERS: So do I.

11 THE CHAIRPERSON: With that, I think we  
12 have a general agreement where we want to go from  
13 here.

14 I'd like to go ahead and move onto the  
15 second item. What you're talking about is the DRB  
16 issue now.

17 MS. BURTON: Yes, this is the DRB issue.

18 THE CHAIRPERSON: Can you tell us why you  
19 want us to do something the DRB would normally be  
20 doing? And I will tell you up front that is my  
21 concern. I have no problem, if it's reasonable. If  
22 it's not in our wheelhouse to make that decision,  
23 then I'm hesitant to do so. I want to get a reason  
24 why.

25 MS. BURTON: Do you want me to start?

1 MR. HENDERSON: If I may step in. Before  
2 we get to the DRB request, we are actually modifying  
3 the base calculation for principal building coverage.  
4 That's a function of the BZA tonight. That is going  
5 from the 1,478 square feet to the 1,489.9 square  
6 feet. That's without any consideration of the 20  
7 percent or 11 percent.

8 MS. EUDY: 2-A.

9 MS. TIMMONS: That's based on 100 square  
10 feet of increased upland.

11 MR. HIERS: Of new survey.

12 MR. HENDERSON: That's the standard  
13 calculation of the ordinance. That would be  
14 increasing commiserate with the new survey.

15 MS. BURTON: You were talking about  
16 principal building square footage.

17 THE CHAIRPERSON: Coverage.

18 MS. BURTON: That's the footprint size.

19 MR. HENDERSON: That's right. That's what  
20 you're requesting.

21 MS. BURTON: That's what I'm requesting.

22 MR. HENDERSON: You could consider that as  
23 your second request.

24 THE CHAIRPERSON: The second request is to  
25 increase the principal building coverage to coincide

1 with the new survey results.

2 MR. HENDERSON: You got it.

3 THE CHAIRPERSON: That is all we're  
4 looking at this moment. With that, does anyone have  
5 any specific questions to the applicant?

6 MS. EUDY: No.

7 MS. TIMMONS: That's a logical  
8 progression.

9 THE CHAIRPERSON: I would agree with that.

10 MR. HIERS: It's de minimis.

11 THE CHAIRPERSON: I would agree that's a  
12 reasonable request as well.

13 Now 2-B, if you will, the DRB issue. Why  
14 is it that you want us to do something the DRB would  
15 normally do?

16 MS. BURTON: Well, my understanding was  
17 that, when you were looking at this site, your goal  
18 was to develop a set of zoning ordinances that would  
19 allow us to build a small home on the site so it  
20 could be a build-able site. And if you have another  
21 site on Sullivan's that's a more typical, regular  
22 site, so when you calculate what's allowed for your  
23 principal building square footage and your principal  
24 building coverage area, you do not automatically have  
25 to go to the DRB in order just to be able to get what

1 you're allowed under your zoning criteria.

2 We're asking you, because this wasn't  
3 considered in detail when you first made like, looked  
4 at this, I'm not sure anyone did the calculations and  
5 said: Where do you put the porches and how do they  
6 work?

7 What we found was that we cannot do the  
8 design for a building that would allow us to meet the  
9 area that we're allowed to meet for heated square  
10 footage without going to the DRB. So we're asking  
11 you to consider. This is sort of like the next layer  
12 of information. You have given enough variance so  
13 that, yes, we can build a home. And now we're asking  
14 for help to actually execute a design for that home.

15 We know we can go to the DRB. It just  
16 takes extra time and extra expense to be able to do  
17 that. We're suggesting that, since you are creating  
18 a zoning ordinance to allow the construction of a  
19 home, close the circle so that we can complete the  
20 design that you've allowed us to do.

21 THE CHAIRPERSON: I'm going to play  
22 devil's advocate on that. Just because we say you  
23 can build X number of square feet doesn't mean that  
24 you have to build X number of square feet. It's not  
25 that we're allowing you -- it's the owner's decision

1 to build within the parameters that have been  
2 granted.

3 MS. BURTON: I mean, I guess my response  
4 to that is, this home is a small home. And if you  
5 have a larger home that's 3,400 square feet, 3,600  
6 square feet, and you find that you can't add, say,  
7 that last 300 square feet that you would be allowed  
8 to under the principal building square footage,  
9 that's not such a big issue.

10 On a home where the maximum size is 26,  
11 and you really can only fit 2,350 on, that's a big  
12 proportional difference, big percentage difference.

13 We're just suggesting that it becomes an  
14 issue. It does add time and expense and that you did  
15 consider other variance ordinance -- or variances to  
16 the ordinance to allow the construction of a home,  
17 small home on this site. And that's what we'd like  
18 to do.

19 THE CHAIRPERSON: Again, I'll open it up.  
20 Do we have any questions of the applicant on this  
21 one?

22 MS. EUDY: I don't have any questions  
23 other than I want to state, if it's just about  
24 expense and convenience, I don't think that's  
25 something that we can consider, unfortunately.

1           The way I do look at this, though, is that  
2 we did create the parameters to make this a buildable  
3 lot. I think based on that, we can consider what's  
4 being asked of us. But in the future, if somebody  
5 just comes to us and says, we want the BZA to  
6 consider this so we don't have to go to the DRB, too,  
7 I don't think with the exception of these particular  
8 circumstances that we can do that.

9           I feel like, under what we've created by  
10 even going this route and making these lots buildable  
11 so that the town could potentially sell them, I think  
12 that we can consider it.

13           MS. BURTON: And I would like to note that  
14 we don't need 20 percent. In fact, only need 11  
15 percent.

16           MS. EUDY: You're asking for 11 percent?

17           MS. BURTON: Yeah.

18           MR. HIERS: Aren't you going to have to go  
19 to the DRB at some point?

20           MS. BURTON: I don't believe that we would  
21 because we can't go to the DRB for any additional  
22 calculations. Like those are all limited to us.

23           And so if we are meeting all of the area  
24 requirements, the impervious coverage requirements,  
25 we can complete our design and we don't need to have

1 review. It didn't state that this was a home like  
2 the historic home that needed approval.

3 MR. HIERS: I'm very concerned about the  
4 precedent that we would set if we did this.

5 MS. BURTON: I do understand that. I do  
6 think this is a unique lot where you created  
7 ordinances specifically to build on it.

8 THE CHAIRPERSON: I do understand that.  
9 Summer, I think your question clarified something I  
10 had in my mind. I could not figure out why we're  
11 even talking about the DRB in this situation. I was  
12 not in favor of it.

13 The fact that it was a function of this  
14 board that created the buildable areas on these lots,  
15 we created a miniature little zone over there on  
16 Raven to allow these houses to go up. It is in our  
17 purview to grant this.

18 MS. EUDY: That went back to my first  
19 question when I asked Joe earlier when he was  
20 presenting. You know, I said something like,  
21 basically, we're kind of overruling ourselves on that  
22 particular issue, zoning issue.

23 MR. HIERS: We've granted. Apparently  
24 we've all discussed it. We seem to be comfortable  
25 with what's called 2-A. We're going from 1,478

1 square foot building coverage to 1,489.

2 Now we're going to say: Okay, we're going  
3 from 1,489 to 1,787. I think we've done our job  
4 based on the new survey. And that if they want to  
5 get 20 percent or 11 percent increase, they need to  
6 go to the DRB.

7 MS. TIMMONS: I totally get that we  
8 created -- you know, we created that volume, say. If  
9 it's a problem, you know, the way to fix it is DRB,  
10 you know, not us. Because that's their job, you  
11 know. That's my take on it.

12 MS. EUDY: They wouldn't of had --

13 MS. TIMMONS: They wouldn't have had that  
14 problem if we hadn't done it. DRB can fuss at us.

15 THE CHAIRPERSON: Joe, let me ask you a  
16 question on this. I think I know the answer. If we  
17 do not consider this modification that the DRB would  
18 normally grant in the normal or regular circumstance,  
19 it will have no impact on anything else that they're  
20 requesting as far as what we're doing here tonight;  
21 is that correct?

22 MR. HENDERSON: Let's see. I'm not  
23 following you.

24 THE CHAIRPERSON: If we choose to say  
25 we're not going to grant this one particular request

1 that would normally go to the DRB, that should not  
2 impact whether we grant or deny anything else.

3 MR. HENDERSON: Not at all.

4 THE CHAIRPERSON: That's what I want to  
5 make sure. One decision doesn't sink this whole  
6 plan, if that's the way we want to go.

7 MR. HIERS: Good point.

8 THE CHAIRPERSON: Do we have any more  
9 questions on this one? We can come back and revisit  
10 once we've talked about everything else.

11 I will even allow -- is there anyone who  
12 would like to make any comments otherwise as to the  
13 particular DRB request?

14 MS. EUDY: You want to put that one at the  
15 end?

16 THE CHAIRPERSON: Yeah, we haven't voted  
17 one way or the other. I think we know which way the  
18 wind is blowing. Some people feel one way, some  
19 people feel the other way. We might have to discuss  
20 that, figure out how to craft the final motion.

21 MR. EUBANK: One thing, in looking at the  
22 minutes back in 2013, one of the notes on the minutes  
23 says: In addition, the design review board will not  
24 be allowed to increase the square footage of the  
25 structures.

1 We're not talking about the square footage  
2 necessarily. We're talking about the footprint.

3 THE CHAIRPERSON: Correct.

4 MR. EUBANK: Looking for 20 percent  
5 increase in additional variance of 15 and 15; is that  
6 right?

7 MR. HENDERSON: No.

8 THE CHAIRPERSON: No, that is not correct.

9 MR. EUBANK: Tell me again.

10 THE CHAIRPERSON: We're looking at the  
11 same heated square footage, correct? We're looking  
12 to increase the principal building coverage, the  
13 footprint itself. So the square footage does not  
14 change.

15 MR. HIERS: Would the pool be included in  
16 that new --

17 THE CHAIRPERSON: No.

18 MR. HENDERSON: No, so to answer your  
19 question, the setbacks are not changing and the  
20 heated square footage is not changing.

21 MR. EUBANK: Okay.

22 MS. EUDY: In other words, it would allow  
23 like a porch. It would add more space for a porch,  
24 something that's not heated on the footprint.

25 MR. HENDERSON: Right. It would be in

1 accordance with the re-survey.

2 THE CHAIRPERSON: I would like to skip  
3 over the pool question and go to the clarification,  
4 the calculated areas now, if that's okay with y'all.

5 MS. BURTON: When we had the survey, we  
6 recalculated all the things that are determined by  
7 the high ground area. That would normally include  
8 the impervious coverage, the principal building  
9 square footage, and the principal building coverage  
10 area. We have already told you that we are satisfied  
11 leaving the principal building square footage where  
12 it was in the original motion at 2,630.

13 But we would like to reflect the principal  
14 building coverage area and the impervious coverage  
15 area as the new numbers shown which is 1,489.9 for  
16 principal building coverage and 2,595.75 for  
17 impervious coverage. Those are the two coverages  
18 that are direct results of the calculation from the  
19 highland area.

20 THE CHAIRPERSON: B should've been  
21 coverage.

22 MR. HIERS: Can you get your C, your  
23 impervious coverage square footage, can you get that  
24 without the 11 percent modification?

25 MS. BURTON: The impervious coverage, that

1 really doesn't change that much because with that 11  
2 percent, we'll either have building or porch so where  
3 the footprint of the building is will be the same.  
4 That will be the same number regardless.

5 What it will affect will be things like:  
6 What is material for the driveway? Some of that may  
7 be pervious. Some of that will be impervious.  
8 What's the walkway made out of, the stairs? All of  
9 those would be taken into account with the HVAC.

10 But the actual building, regardless of  
11 whether it's heated or porch, we will be using that  
12 area for one or the other. So it will all count as  
13 the same in the impervious calculation.

14 MS. EUDY: Basically what we have already  
15 agreed on, seeming to agree, issue number one, they  
16 can operate on the second survey. This is just  
17 confirmation of those numbers.

18 MR. HENDERSON: That's right.

19 MS. EUDY: We're not really doing anything  
20 different?

21 MR. HENDERSON: That's right.

22 THE CHAIRPERSON: Does anyone have any  
23 questions for the applicant on this particular item?

24 Again any public comment regarding this  
25 particular item?

1           It seems to me to be a fairly reasonable  
2 request, especially considering our logic behind the  
3 setback clarification. This is strictly based on the  
4 numbers from the new survey.

5           Let's get to the pool and spa now.

6           MS. BURTON: So I can make the  
7 presentation?

8           THE CHAIRPERSON: Yes, you may. Please.  
9 Let us know about the pool and spa.

10          MS. BURTON: So the original motion stated  
11 that variance for critical line setback is 15 feet  
12 but only to include footprint as proposed on the site  
13 plan provided. So because Sullivan's Island zoning  
14 defines a pool as an accessory building and further  
15 defines that a pool has to have the same setback as  
16 the house, what that meant is, when you applied it,  
17 if we had a pool, it had to be directly under the  
18 house.

19          Anyway what we found when we drew on the  
20 setback, the 15 feet from the critical line, was that  
21 there was a little piece of land here. Now we  
22 understand that, when this size or this shape was  
23 developed for the house, that you are trying to  
24 develop a size and a shape that was reasonably  
25 dimensioned for a home. And, obviously, this little

1 finger pointing out would not be useable for heated  
2 space for a home.

3           However, it's a really great spot to put a  
4 pool or a spa or something, an in-ground element.  
5 We're not asking for it to be raised. We would like  
6 the opportunity to consider using what is within the  
7 15 feet setback from the critical line, but it is  
8 outside the footprint established for the home to put  
9 either a pool or a spa or both.

10           And I've just drawn this to illustrate how  
11 it could work. We have done some calculations to  
12 show, yes, it does work. We will need to consider --  
13 part of the driveway will have to be pervious. It  
14 can be done, and we've illustrated that it can be  
15 done. We would like you to consider, if you would  
16 allow us to use the area within the critical line  
17 setback for a ground-level pool.

18           THE CHAIRPERSON: Just as a point of  
19 clarification. You are not asking for any variance  
20 for the 15-foot setback?

21           MS. BURTON: No.

22           THE CHAIRPERSON: You are not asking for  
23 any impervious coverage area?

24           MS. BURTON: Well, the pool or spa will be  
25 an impervious element.

1 THE CHAIRPERSON: Correct.

2 MS. BURTON: So it will go into the  
3 calculations that we have for the whole site. And it  
4 would be an element in there.

5 THE CHAIRPERSON: Just to clarify, you're  
6 not asking for any kind of increase or a variance in  
7 your impervious square footage.

8 MS. BURTON: Uh-uh.

9 THE CHAIRPERSON: Questions?

10 MR. HIERS: Randy, in plain English, does  
11 the proposed pool and spa meet all setback  
12 requirements?

13 MR. ROBINSON: Setbacks for a pool or a  
14 spa are 30 feet from the critical line. This piece  
15 of property, we did draw out a 15-foot setback from  
16 the critical line all the way around. And we drew  
17 out that line basically to give us the shape of the  
18 house.

19 And what Rachel was saying about -- we  
20 just didn't feel like dimensionally this area out  
21 here was useable, you know. She hit the nail on the  
22 head, Steve. And when we drew it, it came here and  
23 we said: Okay, well, there is -- I don't remember  
24 how far across, but maybe I'd 15 feet. And we said  
25 that's a reasonable wall on a home or a porch or

1 whatever.

2 But, I mean, technically, no, it does not  
3 meet our setbacks for a house, a pool.

4 THE CHAIRPERSON: It does for this lot  
5 based on the original variance that was granted.

6 MR. ROBINSON: The original variance was  
7 granted for the house. And Steve and I talked about  
8 it when we were drawing this out. We said, you know,  
9 somebody may come in for some kind of thing. That  
10 would be another variance request.

11 THE CHAIRPERSON: Got you. Got you. The  
12 request is to allow the 15-foot variance originally  
13 granted to apply to an accessory structure; in this  
14 case a pool. Is that correct?

15 MS. BURTON: Uh-huh.

16 MS. CHURCH: I have no problem at all with  
17 the pool. I think it makes a lot of sense actually  
18 for that space. Still hung up on this 20 percent  
19 thing when we get back to that at some point.

20 MS. EUDY: I think that we set the zoning  
21 conditions for this lot. When we set the 15-foot  
22 setback from the critical line, that's what we made  
23 it. And we may not have discussed how that little  
24 chunk would've been used. You just can't foresee  
25 every issue that's going to come up.

1 I know we had one not too long ago that is  
2 sort of analogous in that a setback, 19 feet or  
3 something like that had been granted way back, I  
4 don't know, 1989. I can't remember what it was. We  
5 allowed that to extend across the whole lot  
6 specifically for a secondary structure that just  
7 happened to be a pool.

8 I see this as kind of the same. By doing  
9 what we did to make the lot buildable, we made this  
10 the setback; therefore, I think the pool falls within  
11 the ordinance.

12 MS. TIMMONS: The house is there.

13 MR. HIERS: I agree. I'm good with the  
14 pool based on the original variance, the original  
15 dimensions.

16 Like Sarah said, I am not convinced on the  
17 20 percent because of the precedent it sets. We have  
18 a court reporter here. I can tell you our minutes,  
19 people will go through them with a fine tooth comb  
20 looking to see what we have done, why we did it, how  
21 we did it. If you do it for one -- I think the DRB  
22 is here. They do this 20 percent thing all the time.  
23 To my knowledge, I don't know that we've ever done  
24 it, so I'm leery about doing that.

25 THE CHAIRPERSON: I agree with you.

1 Before I move on from the pool, I want to make sure  
2 anyone who has anything that they would like to add  
3 to the discussion about the pool and the spa has a  
4 chance to speak. Anyone who would like to speak.

5 Graham, do you have anything?

6 MR. EUBANK: I have no problem with any of  
7 this really. We're concerned about there was a  
8 retaining wall done, 18-inch retaining wall done the  
9 meeting before. Number one, we don't know how that's  
10 going to affect our property. I know that's already  
11 done and gone, so there's not a whole lot we can do  
12 there.

13 Now we've got some additional things that  
14 could affect the saturation levels of the property.  
15 It could affect drainage. It could affect a lot of  
16 different things that could ultimately affect us as  
17 well.

18 The retaining wall, number one, with the  
19 tide coming in and out. We have a drainage pipe that  
20 runs between the two lots. How is that going to be  
21 affected with retaining wall?

22 Number two, now we have pools and spas and  
23 things that are going within the -- going in the  
24 setback or what have you. Is it a 30-foot setback on  
25 things like this or go based on what the setback is

1 set at, 15-foot?

2 MR. HENDERSON: It was set at 15 feet.  
3 That's the underlining zoning standard for this lot.

4 MR. EUBANK: For pool and everything else?

5 MR. HENDERSON: Yes, sir, that's what  
6 we're going to determine tonight.

7 MR. EUBANK: I think there was a, back  
8 last year at the June '12 BZA meeting, there was a  
9 pool that was requested to be allowed to encroach  
10 towards the OCRM line that was turned down. That's  
11 something that you may want.

12 MS. EUDY: Because it would've had a  
13 30-foot setback from the critical line or the  
14 property line, whichever one was further landward.

15 THE CHAIRPERSON: These lots have a  
16 different critical line setback than most lots do.  
17 Your lot has this 15-foot setback -- not your lot.

18 MR. EUBANK: We were subject to the old  
19 rules.

20 MR. HENDERSON: 30-foot.

21 MR. EUBANK: New rule is out now. I  
22 understand that. We don't have any issue with that.  
23 Just wanted some clarification on how that would be.

24 We are concerned about the drainage, about  
25 how the retaining wall, which really there was no

1 study done on that at all. Just, okay, let's do an  
2 18-inch retaining wall.

3 How is that going to affect the property,  
4 the drainage pipe that runs between these two  
5 properties, with the easement that we have on our  
6 property. Now we have some new things that could  
7 affect the drainage, and that type of thing as well  
8 as the driveway.

9 Anything else you wanted to add? That was  
10 it.

11 MS. EUDY: I'll just say that I think any  
12 drainage issues may be something that the two  
13 property owners can work together on, if that comes  
14 up. I think that --

15 MR. EUBANK: Retaining wall goes up and  
16 tide comes in and water pushed to our side. That  
17 seems to be our problem, not anybody else's.

18 THE CHAIRPERSON: The retaining walls out  
19 of what -- I understand where you're coming from.  
20 The retaining wall is not in the purview of what  
21 we're discussing here tonight. Like you said, that  
22 happened.

23 MR. EUBANK: That's already gone.

24 THE CHAIRPERSON: I understand concerns  
25 about drainage from the lot. We are concerned with

1 the critical lines and the code as written, as given  
2 to us. And that's what we are to base our decisions  
3 on. Whoever drafted that code ostensibly took into  
4 consideration what it would do for drainage as far as  
5 impervious coverage area on a lot. That's why it was  
6 drafted that way.

7 With that in mind, that's what we have to  
8 work with was the numbers that we're given and the  
9 laws that we're given. Did you have something that  
10 you wanted to add as well?

11 MR. HOWARD: Mark Howard, 1820 Central.  
12 It's just a glancing thought. And Randy might -- I  
13 was wondering if there was any difference between a  
14 pool and a spa with any ordinances like fencing and  
15 that sort of thing. Do you have to fence a spa? I  
16 know you have to fence a pool. I was curious. Any  
17 difference?

18 THE CHAIRPERSON: Joe, can you speak.

19 MR. HENDERSON: Fences can be located  
20 within the critical line setback. It is a  
21 requirement to have a four-foot high fence  
22 surrounding your pool or spa. That's a building code  
23 requirement.

24 Again, that is an accessory structure use  
25 that's allowed within that setback.

1 MR. HIERS: This is DRB question, not our  
2 question.

3 MR. HOWARD: I'm sorry. That's the way I  
4 think.

5 MR. HIERS: The proposed pool and spa, I'm  
6 assuming, is elevated?

7 MS. BURTON: No, it's in-ground.

8 MR. HIERS: That makes your question  
9 relevant.

10 MR. BURTON: I've just been notified by my  
11 client that what we would like to do is remove our  
12 request for an additional principal building coverage  
13 to be considered by you if you can note -- I'm not  
14 sure what the correct terminology is. If you can  
15 indicate, in principal, you're satisfied or happy  
16 with that as a process for us and that you are  
17 supporting our desire to build a home on this lot.  
18 I'm struggling for the words.

19 THE CHAIRPERSON: I would think or I would  
20 suggest to you, if we go down this road and we grant  
21 what you have requested, absent this one issue that  
22 would go before the DRB, then we've given you  
23 blessing to do what you want to do as long as the DRB  
24 says okay on what they want to say.

25 MR. CONKLIN: We just want to be sensitive

1 to your concerns.

2 THE CHAIRPERSON: I'm glad you are because  
3 it is a concern of ours. We don't want to step on  
4 someone else's toes there. I know it's more time.

5 MR. CONKLIN: That's fine.

6 THE CHAIRPERSON: There's different  
7 commissions of boards for different reasons.

8 MR. REESE: Tim Reese, Station 20, also  
9 representing the town and the buyer here. I think  
10 what y'all are saying, again, in retrospect, three  
11 weeks ago, we probably should've gone to the DRB at  
12 the same time; had Mr. Kaufman do that concurrently.  
13 It wasn't done that way.

14 By no means do they want to put you guys  
15 in a predicament in making a decision. That's what  
16 comes out in light of this. The thing is, I think  
17 there's been some statements about trying to get to  
18 that 2630. Based on the principal coverage right  
19 now, being able to have porches, it's almost  
20 impossible to do that. It's a design element. She's  
21 trying to rectify within that PBC.

22 If there's any way you guys could let,  
23 through the process and through the recording, that  
24 you understand what they're trying to do. You don't  
25 disagree with it; it's not in your purview. So that

1 the DRB feels comfortable that the motion we had on  
2 the table was addressed properly by you guys. You  
3 don't have any objection to it; it's not your purview  
4 to make a decision. Would be something that would  
5 hold weight.

6 Again, Jimmy, it's not 20 percent. It's  
7 up to 20. To get to the 2,630, it's only about 11  
8 percent. I just want to make sure DRB knows you  
9 guys --

10 THE CHAIRPERSON: We've discussed it.

11 MR. REESE: You don't have a problem with  
12 it. It's just not your purview to make a decision.

13 MS. EUDY: So they don't come back and  
14 say, well, BZA set these parameters.

15 MR. REESE: Yeah.

16 MS. EUDY: I agree with you.

17 MR. HIERS: Randy, one question. I wasn't  
18 on the board for this I don't think. For this lot to  
19 be buildable, we had to get away from the 30-foot  
20 critical setback line; correct?

21 MR. ROBINSON: It keeps coming up these  
22 lots not being buildable. They were buildable. What  
23 was able to be built on them was a small, square,  
24 little rectangular tower. It would've been awful.  
25 It would have been built out there. There was some

1 area.

2 If there wasn't, I don't think we would've  
3 created buildable lots. We had a lot. It was  
4 buildable. We just did something to make it --

5 MS. EUDY: Practical.

6 MR. ROBINSON: -- practical.

7 MR. HIERS: 2630 is pretty small as the  
8 world turns today.

9 MR. ROBINSON: That's correct. We knew  
10 they were small lots.

11 MS. TIMMONS: Depends on where you're  
12 coming from.

13 MS. CHURCH: Lot bigger than my house.

14 MR. HIERS: House is 2,100.

15 THE CHAIRPERSON: With that, we've heard  
16 from everyone that we need to hear from. We can have  
17 more conversation, if we need it. If anyone has  
18 another question, wants to air out something, let's  
19 do that. Otherwise I would ask if anyone has any  
20 particular motion to bring. I understand we might  
21 have a discussion as to how to bring this motion.

22 MR. HIERS: I guess the motion would be --  
23 the motion would be to grant -- to grant the requests  
24 with the exception of what I'm going to label as 2-B,  
25 DRB request. In other words, we would grant the

1 setback clarification, the building coverage and  
2 footprint modification in 2-A; the pool and spa in 3.  
3 And number 4, the clarification of calculated area.

4 MS. TIMMONS: All based on the new survey  
5 and that we understand the difficulties in design  
6 elements, but feel like that's not within our  
7 responsibility to grant that. You know, that we do  
8 recognize the problem you're facing. I encourage  
9 them to go to the DRB.

10 MR. HIERS: Sounds like the applicant has  
11 asked to withdraw the DRB request, which I'm  
12 referring to.

13 MS. TIMMONS: That's right.

14 MS. EUDY: I don't think we have to  
15 address that.

16 THE CHAIRPERSON: The minutes will make  
17 that clear. Carving out the DRB request, I do think  
18 we need to have it on the record as a motion to grant  
19 the -- if that's the way we are going -- setback  
20 clarification with the language that we have here  
21 that explains what it is straight through so that it  
22 is clear to the motion we're doing.

23 We wouldn't even be moving to modify the  
24 existing order, granting it this way. The order  
25 would be modified based upon the grant of the motion,

1 if that's what's brought forward.

2 MR. HIERS: I'll go ahead and make a  
3 motion. We can discuss it and either vote it down  
4 or, if we don't like what we come up with when we  
5 discuss it, we can vote it down. We can make another  
6 motion.

7 I'll make a motion that we grant the four  
8 requests based on the -- the four requests outlined  
9 as, one, the setback clarification; two, the  
10 principal building coverage and footprint  
11 modification; three, the pool and spa; four,  
12 clarification of calculated areas.

13 This motion is based on the new survey  
14 from John Wade that shows some increased square  
15 footage. And we changed the dimensions allowed based  
16 on that new survey.

17 I guess I'll just say we note that the DRB  
18 request under request number two has been withdrawn  
19 by the applicant.

20 THE CHAIRPERSON: Do we need to discuss  
21 this?

22 Summer, did you want to say something?

23 MS. EUDY: I was just going to say, if  
24 that was the motion, we needed to add.

25 MR. HIERS: The extraordinary conditions

1 with this property.

2 THE CHAIRPERSON: Before we go down that  
3 road, I'm concerned with granting the motion simply  
4 saying the setback clarification. I think our motion  
5 needs to discuss setback clarification, to revise  
6 location of building footprint according to revised  
7 survey from John Wade on the date meeting the  
8 setback. I think we need to have that language in  
9 the motion.

10 MS. TIMMONS: Yes.

11 MS. EUDY: And all the numbers.

12 THE CHAIRPERSON: With the numbers.

13 MS. EUDY: Not necessarily with calculated  
14 area. They're going to be what they're going to be.  
15 I think this one is important.

16 MS. TIMMONS: I think since it's asking  
17 for clarification, we need to clarify.

18 MR. HIERS: I made a motion. You second  
19 it.

20 MS. TIMMONS: I second it.

21 MR. HIERS: Let's vote on it. Let's vote  
22 it down.

23 THE CHAIRPERSON: Anyone in favor of the  
24 motion brought by Jimmy over here?

25 Those not in favor?

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(Ayes were stated by all board members).

THE CHAIRPERSON: Let's try this one again. I'm going to let you try it again.

MR. HIERS: We think we want to --

MS. EUDY: Just read it.

MR. HIERS: Read what?

MS. EUDY: The words right here. Everything except for 2-B.

MR. HIERS: Then we're going to have to come back, we want to mention extraordinary conditions.

MS. EUDY: Yeah, or you can start with that.

THE CHAIRPERSON: I think all of those would be met by the fact there was a new survey. That's what makes everything different from anything else.

MR. HIERS: I'd like to make a motion that we grant the four requests as submitted based on, number one, the first request, setback clarification. Motion to approve the revised location of the building footprint according to the revised survey from John Wade dated 12/4/2013 meeting, a 15-foot setback from the OCRM critical line, and 30-foot setback from the west property line.

1                   Second request, principal building  
2 coverage and footprint modification. Motion to  
3 approve revising the original principal building  
4 coverage calculation from 1,478 square feet to  
5 1,489.9 square feet, according to the revised upland  
6 calculation of 7,399 square feet.

7                   Number 3 request, pool and spa. Motion to  
8 approve the location of the proposed in-ground pool  
9 and spa provided neither the pool/spa or  
10 decking/hardware encroaches into required 15-foot  
11 OCRM critical line setback and provided it does not  
12 exceed the required impervious coverage requirements  
13 of 2,599.75 from the revised survey from John Wade  
14 dated 12/4/2013.

15                   Request number four, clarification of  
16 calculated areas. Motion to approve all of the  
17 following calculated areas according to the revised  
18 John Wade survey to the aforementioned John Wade  
19 survey of 2013, A, revised survey, highland square  
20 feet of 7,399; B, principal building square foot  
21 coverage --

22                   MS. EUDY: Coverage.

23                   MR. HENDERSON: Sorry, typo.

24                   MR. HIERS: -- principal building square  
25 foot coverage of 1,489.9; C, impervious coverage

1 square feet of 2,599.75; and D, principal building  
2 square footage of 2,639.9.

3 There are extraordinary conditions to this  
4 particular piece of property in that we have a new  
5 survey that shows a different result. These  
6 conditions are not generally applied to other  
7 properties in the vicinity and, because of these  
8 conditions, the application of the ordinance to this  
9 particular piece of property would effectively  
10 prohibit or unreasonably restrict the utilization of  
11 this property.

12 The authorization of this variance or  
13 granting of this request will not be of substantial  
14 detriment to adjacent property or to the public good.  
15 And the character of the district will not be harmed  
16 by the granting of this request.

17 THE CHAIRPERSON: Is there any second?

18 MS. TIMMONS: Second.

19 THE CHAIRPERSON: Any discussion? All  
20 those in favor say aye.

21 (Ayes were stated by all board members.)

22 THE CHAIRPERSON: Anyone opposed? Motion  
23 carries.

24 With that, do we have a motion to adjourn?

25 I have to sign something, don't I?

1 MS. MILLER: Plus I don't know if you want  
2 to amend the agenda. We need to appoint the chairman  
3 again for the year. We should've done it in January.  
4 I don't know if y'all want to wait until Elizabeth is  
5 here.

6 MR. HENDERSON: Even if the current chair  
7 is not here, you can still consider her and vote her  
8 in. Downfall of not coming to the meeting

9 MR. HIERS: I make a motion we keep the  
10 current slate of officers, Elizabeth Tezza as chair.  
11 And Bachman as vice chair. Bachman Smith as vice  
12 chair.

13 MS. EUDY: Second.

14 THE CHAIRPERSON: All in favor?

15 (Ayes were stated by all board members.)

16 THE CHAIRPERSON: Any opposed?

17 MR. HIERS: Motion we adjourn?

18 MS. EUDY: Second.

19 THE CHAIRPERSON: All in favor?

20 (Ayes were stated by all board members).

21 (The hearing was concluded at 7:05 p.m.)

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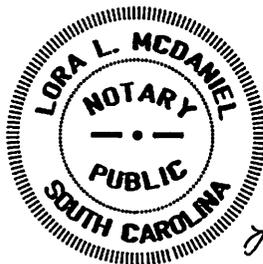
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CERTIFICATE OF REPORTER

I, Lora McDaniel, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to, nor counsel for, any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 25th day of February, 2015 at Charleston, Charleston County, South Carolina.



*Lora McDaniel*

Lora L. McDaniel,  
Registered Professional Reporter  
My Commission expires:  
September 18, 2016

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CERTIFICATE OF REPORTER

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(No Exhibits Proffered)