

PATRICK M. O'NEIL
MAYOR

TOWN COUNCIL
CHAUNCEY CLARK, MAYOR PRO TEM
SARAH CHURCH
MARK HOWARD
RITA LANGLEY
SUSAN MIDDLEAUGH
BACHMAN SMITH, IV

TOWN OF SULLIVAN'S ISLAND



ANDY BENKE
TOWN ADMINISTRATOR

JASON BLANTON
DEPUTY ADMINISTRATOR/COMPTROLLER

LAWRENCE A. DODDS
TOWN ATTORNEY

GREG GRESS
WATER AND SEWER MANAGER

JOE HENDERSON
ZONING ADMINISTRATOR

DANIEL HOWARD
CHIEF OF POLICE

ELLEN MILLER
TOWN CLERK

RANDY ROBINSON
BUILDING OFFICIAL

M. ANTHONY STITH
FIRE CHIEF

BOARD OF ZONING APPEALS

Thursday, August 11, 2016
6:00 P.M. Town Hall

- A. CALL TO ORDER AND NOTIFICATION THAT FREEDOM OF INFORMATION ACT REQUIREMENTS ARE MET
- B. APPROVAL OF MINUTES FROM June 9, 2016
- C. APPLICANT AND PARTICIPANT OATH
- D. SPECIAL EXCEPTION REQUESTS
 - 1. 2850 Jasper Boulevard: Beau Clowney Architects, applicants, request approval of the Accessory Dwelling Unit Special Exception in accordance with Z.O. §21-20 C. (2), Z.O. §21-140, and Z.O. §21-178. (TMS# 529-07-00-030)
- E. VARIANCE REQUESTS
 - 1. 414 Patriot Street: William and Jessica Carroll, applicants, request approval of a dimensional variance for the required rear setbacks of the RS Zoning District, Z.O. §21-22 E (1). (TMS# 529-05-00-011)
- F. ADMINISTRATIVE APPEALS
 - 1. 2624 Iron Avenue: Bruce Berlinsky, applicant, requests an appeal of an administrative decision relating to use of a 2624 Iron Avenue in accordance with Z.O. §21-20 B. (4), *Lots Containing Two Occupied Dwellings*. (TMS# 529-10-00-026)
- G. ITEMS FOR CONSIDERATION
- H. PUBLIC INPUT
- I. ADJOURN

Town of Sullivan's Island
NOTICE OF APPEAL-FORM 1
BOARD OF ZONING APPEALS

received
7/14/16

Date Filed: 7/15/16 Permit Application No. _____ Appeal No. _____

This form must be completed on a hearing on appeal from action of a zoning official, application for a variance, or application for special exception. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [indicate one]:

From action of a zoning official as stated on attached Form 2

For a variance as stated on attached Form 3

For a special exception as stated on attached Form 4

APPLICANT [print] BEAU CLOWNEY ARCHITECTS

MAILING ADDRESS: 1 KING STREET, SUITE 102 CHARLESTON, SC 29401

Telephone 843.722.2040 [work] _____ [home] _____

Interest: ARCHITECT Owner(s): BASCOECHEA Adjacent Owner(s) Other _____

[Use reverse side if more space is needed]

PROPERTY ADDRESS: 2850 JASPER BLVD

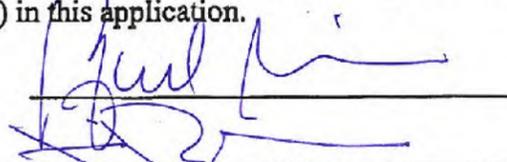
Lot 232 1/2 Block _____ Subdivision _____

Tax Map No. 529-07-00-030 Plat Book D, p187, U-79, p188 Page _____

Lot Dimensions: 105 x 230.36 x 87.52 x 222.24 Area: 21,722 SF

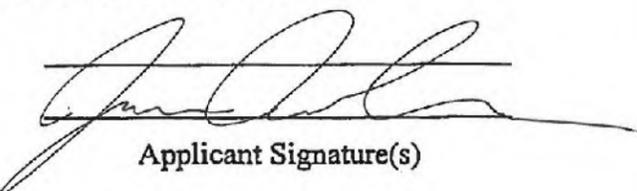
DESIGNATION OF AGENT [complete only if owner is not applicant]: I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: 7/15/16


Owner Signature(s)

I (we) certify that the information in this application and the attached Form 2,3, or 4 is correct.

Date: 7/15/16


Applicant Signature(s)

**Town of Sullivan's Island
Special Exception Application - Form 4
Board of Zoning Appeals**

Date Filed: _____ Permit No.: _____ Appeal No.: _____

1. Applicant hereby appeals to the Board of Zoning Appeals for a special exception for use of the property described in the Notice of Appeals [Form 1] as: HISTORIC SPECIAL EXCEPTION

HISTORIC STRUCTURE TO BE USED AS ACCESSORY DWELLING UNIT
which is permitted special exception under the district regulation in Section 21-20, 21-140, 21-170 of the Zoning Ordinance.

2. Applicant will meet the standards in Section 21-20 AND 21-140 of the Zoning Ordinance which are applicable to the proposed special exception in the following manner: _____

PLEASE SEE ATTACHED FOR 21-20.C.2 AND 21-140.A. REQUIREMENTS & CONDITIONS THAT WILL BE MET.

3. Applicant suggests that the following conditions be imposed to meet the standards in the Zoning Ordinance: REQUIREMENTS SET FORTH IN 21-20 AND 21-140 AND PER

THE CONDITIONS OF APPROVAL FROM THE DESIGN REVIEW BOARD ON JUNE 15, 2016

4. The following documents are submitted in support of this application: EXISTING SURVEY,

EXISTING PLANS AND ELEVATIONS, PROPOSED SITE PLAN, PROPOSED FENCE ELEVATIONS, SITE DIAGRAM
[A plot plan must be submitted] AND PHOTOS OF EXISTING

Date: 7/15/16


Applicant's Signature

21-20.C(2) Historic structure used as accessory dwelling unit.

As an incentive to preserve historic structures and avoid their demolition, a second dwelling may be constructed on the same lot as an historic structure, and the historic structure may be used as an accessory dwelling, when all of the following conditions are met:

DESIGNATED AS HISTORIC RESOURCE, SURVEY #54

(a) Prior use shall have been used as a dwelling; and

PRIOR USE WAS AS DWELLING

(b) The size of the historic structure is less than twelve hundred (1200) square feet of heated space at the time of its designation as historic and is listed as an historic property as described in Section 21-94 Historic Property Designation Criteria; provided, however, that a structure reduced to less than 1200 square feet of heated space after its designation as historic may qualify for special exception approval for an additional dwelling on the same lot, but only if the Design Review Board review determines and specifies in findings, that: (5-15-07)

EXISTING AND PROPOSED HEATED SQUARE FOOTAGE IS 1,136 SF

a. Special circumstances justify such reduction in square feet based on the criteria listed in Section 21-94D. (1-8); and (5-15-07)

b. The portions removed from the historic property were added less than fifty (50) years ago and/or obscured an earlier feature of the historic house which contributed substantially to the most important elements of its historic character, definition and integrity. Examples of the latter instance include the removal of an enclosure of a porch when the open porch had been characteristic of a particular type of Island structure, or removal of an addition which covered a distinctive feature of the structure that is shared by neighboring structures. (5-15-07)

These provisions shall supersede any inconsistent provisions contained in other portions of Chapter 21 relating to the use of historic structures as accessory dwellings, including but not limited to Section 21-140. (5-15-07)

(c) In the event the historic structure does not meet current FEMA elevation requirements, the Design Review Board finds that bringing it into compliance would significantly impair the historic and architectural character of the structure; and

DRB HAS APPROVED ELEVATING HISTORIC STRUCTURE TO MEET FEMA REQUIREMENTS

(d) In the event the historic structure meets current FEMA elevations requirements, the Design Review Board finds that there is no feasible design solution for an addition to the historic structure that would not significantly impair the historic and architectural character of the structure; and

(e) No separate utility service meters shall be permitted; and

(f) The bottom elevation of the new second structure's first story floor joists shall be no greater than two (2) feet above the FEMA base flood elevation; and

(g) The Design Review Board must find that the height, scale, mass and placement of the second structure are appropriate to and compatible with the lot on which it is sited, the character of the historic structure and surrounding neighborhood. When necessary to achieve such appropriateness and compatibility, the Design Review Board may impose stricter limits on height, setback, size and coverage than those of the zoning standards; and

DRB HAS APPROVED THE SITING OF HISTORIC STRUCTURE AND FUTURE SECOND STRUCTURE ON JUNE 15, 2016

- (h) Permission to build a second structure and to use the historic structure as an accessory dwelling is approved as a special exception by the Board of Zoning Appeals; and
- (i) The following conditions as covenants running with the property shall be placed on the real estate title to the property by the owner of the lot by recording deed restrictions for the benefit of the Town of Sullivan's Island on the owner(s) title and recording the same in the RMC office for Charleston County before a building permit is issued:
 - (i) The lot shall remain in single ownership; more specifically, regardless of the type of ownership every owner, member, partner, shareholder, or unit owner, must have the same percentage of ownership in the historic structure as in any additional structure(s); and
 - (ii) Every owner, member, partner, shareholder or unit owner must have the same amount of control over the use of the historic structure as over any additional structure(s); and
- (j) Discretionary increases by the Design Review Board in principal building coverage, impervious surface coverage and square footage may not be granted to properties with a second structure.
- (k) If the historic structure used as an accessory dwelling is destroyed, it may not be replaced
- (l) The historic structure used as an accessory dwelling may be used as a long-term rental, but only so long as the principal structure is occupied by an owner of the property as primary residence and a current business license is held on the same property. Primary residence is defined as a dwelling where the owner or owners reside on a permanent basis and are assessed at the four percent (4%) assessment rate on their ad valorem property tax.





PATRICK M. O'NEIL
MAYOR

TOWN COUNCIL
CHAUNCEY CLARK, MAYOR PRO TEM
SARAH CHURCH
MARK HOWARD
RITA LANGLEY
SUSAN MIDDAGH
BACHMAN SMITH, IV

TOWN OF SULLIVAN'S ISLAND



BOARD OF ZONING APPEALS

ANDY BENKE
TOWN ADMINISTRATOR

JASON BLANTON
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TOWN CLERK

RANDY ROBINSON
BUILDING OFFICIAL

M. ANTHONY STITH
FIRE CHIEF

IN ACCORDANCE WITH ZONING ORDINANCE SECTION 21-175,

I JAMES D. CHARLES HAVE SUBMITTED A COMPLETED BOARD OF ZONING
APPEALS APPLICATION, FOR THE MEETING DATE OF AUGUST 11, 2016, WHICH WILL BE HELD AT
SULLIVAN'S ISLAND TOWN HALL LOCATED AT 2050-B MIDDLE STREET, SULLIVAN'S ISLAND, SOUTH CAROLINA.

ADDITIONALLY, I UNDERSTAND THAT THE BOARD MAY POSTPONE OR PROCEED TO DISPOSE OF A MATTER ON THE
RECORD BEFORE IT IN THE ABSENCE OF AN APPEARANCE ON BEHALF OF AN APPLICANT.


APPLICANT SIGNATURE

7/15/16
DATE

PLANNING AND RMC USE ONLY

APPROVAL OF THIS PLAT IS NOT INTENDED TO, NOR DOES IT CONSTITUTE, RECONCILIATION OF CONFLICTING BOUNDARIES OR APPROVAL OF ZONING CODE INFRACTIONS, IF ANY EXIST.

PLAT APPROVED
TOWN OF SULLIVAN'S ISLAND

PLANNING COMMISSION CHAIRMAN

DATE 4/14/10

I CERTIFY THAT THE PROPERTY SHOWN HEREON APPEARS IN FLOOD ZONE AE, ELEV 73 AS SHOWN ON FIRM MAP NUMBER 45049C0539J; EFFECTIVE DATE NOVEMBER 17, 2004.

LEGEND:

- 1. I.N. REB. - INDICATES IRON NEW No. 5 REBAR SET
- 2. I.O. 1"PT - INDICATES IRON OLD 1" PINCH TOP PIPE
- 3. I.O. 1"OT - INDICATES IRON OLD 1" OPEN TOP PIPE
- 4. CAL. PT. - INDICATES CALCULATED POINT
- 5. 20" PECAN. - INDICATES 20" PECAN DIAMETER AT BRESTHIGHT
- 6. PP - INDICATES POWER POLE
- 7. WM - INDICATES WATER METER
- 8. WV - INDICATES WATER VALVE
- 9. SSMH - INDICATES SANITARY SEWER MANHOLE

LOT 182

RACQUEL & JOSE
BIASCOECHEA

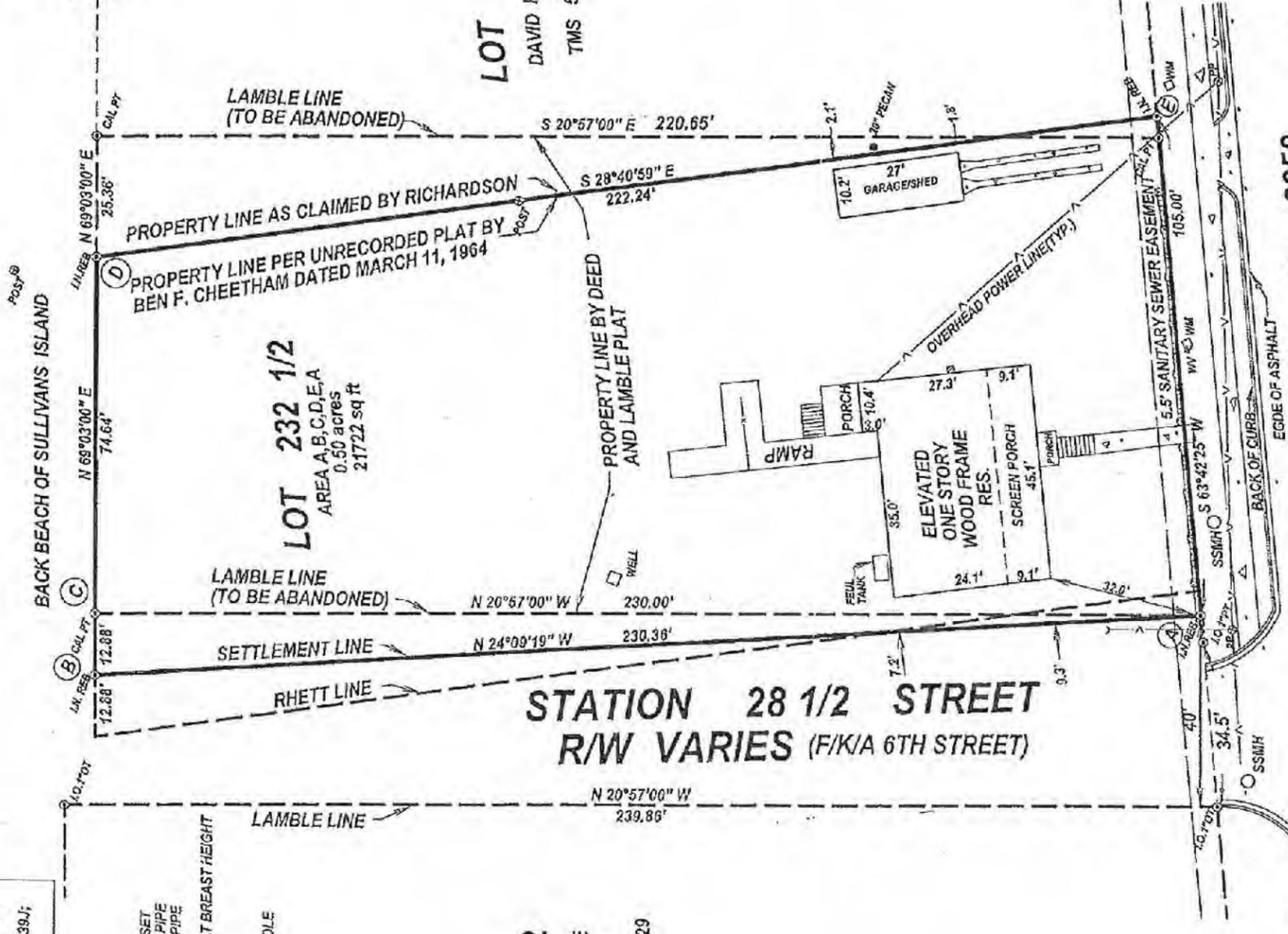
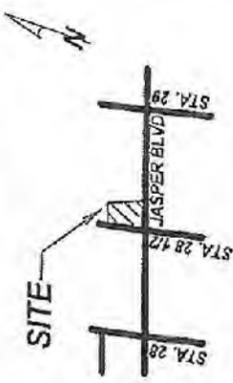
TMS 529-07-00-029

LOT 232 E

DAVID RICHARDSON

TMS 529-07-00-031

LOCATION MAP
N.T.S.

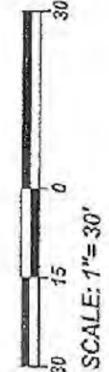


ADDRESS IS No 2850
JASPER BLVD. 100' RAW

PLAT

OF A RESURVEY OF LOT 232 1/2, MOULTRIEVILLE, EAST END, SULLIVANS ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA. TO RESOLVE THE BOUNDARY LINE BETWEEN LOT 232 1/2 AND LOT 232 E AND STATION 28 1/2 STREET FORMERLY 6TH STREET. PRESENTLY OWNED BY NELLIE J. DAWSEY.

(Surveyed according to Plat of Lambles recorded 12 March, 1902 in book "D" at page 184. And also deed book "U-79", page 403.)



SCALE: 1"= 30'

- DATE: 31 MAY, 2006
- REVISED: 10 JULY, 2006
- REVISED: 21 SEPT., 2006
- REVISED: 22 JANUARY, 2007
- REVISED: SEPT. 10, 2008
- REVISED: JANUARY 5, 2010
- REVISED: APRIL 14, 2010

REF: PLAT BK. "D", PG. 184. (LAMBLE)
PLAT BK. "E", PG. 43 (RHETT)

T.M.S.: 529-07-00-030

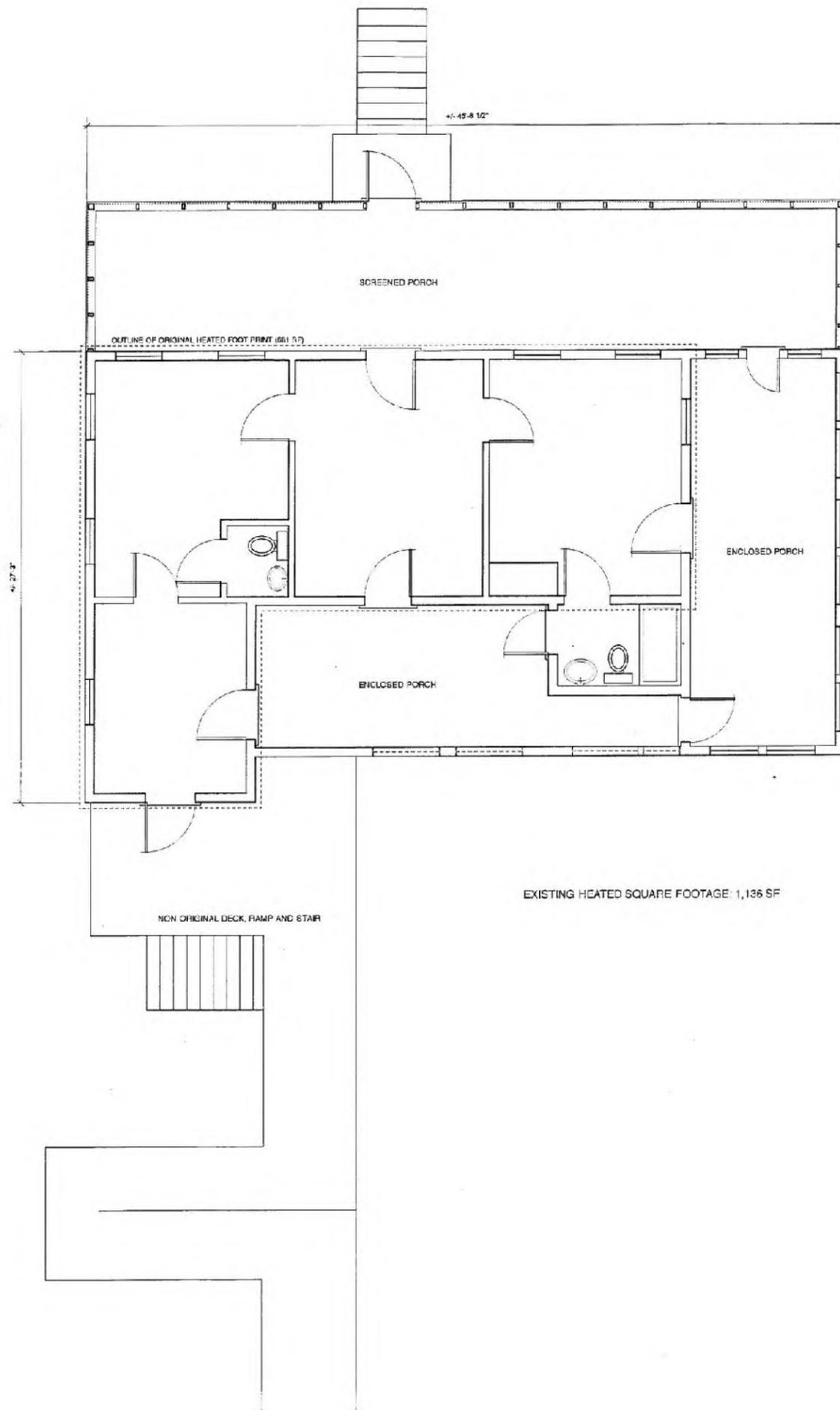


I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

ALEXANDER C. PEABODY, PLS
PEABODY & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYING

P.O. BOX 22646, CHARLESTON, SC 29413
OFFICE 843-723-5225 MOBILE 843-270-4847

CHARLESTON COUNTY
SOUTH CAROLINA



B E A U
C L O W N E Y
architects
843.722.2040
BIASCOGHEA RESIDENCE
2650 JASPER BLVD
SULLIVAN'S ISLAND, SC
EXISTING FIRST FLOOR PLAN
1/4" = 1'-0"
05.20.15



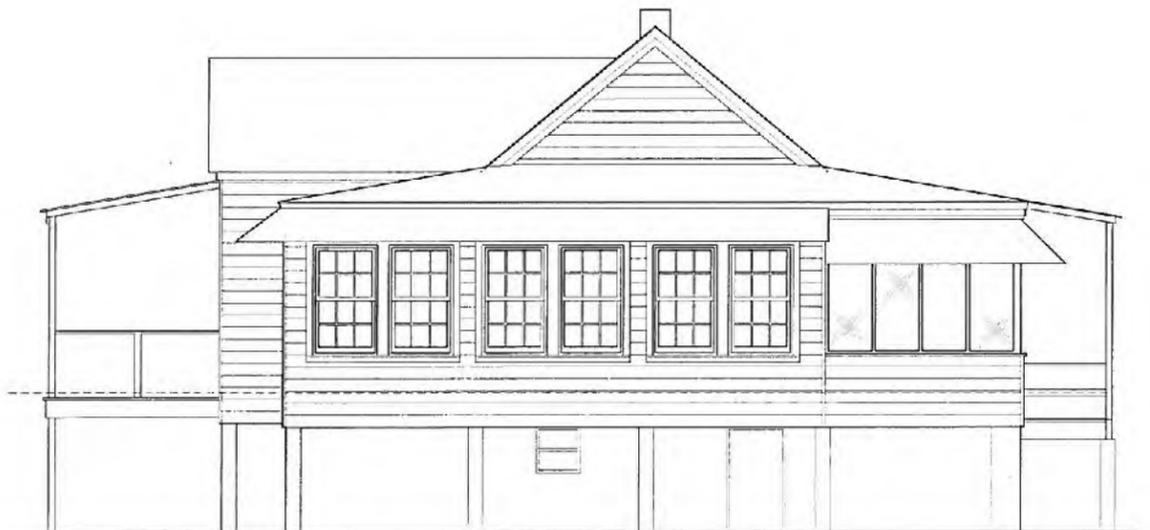
1
2.1
EXISTING STREET ELEVATION
SCALE: 1/4" = 1'-0"



2
2.1
EXISTING EAST ELEVATION
SCALE: 1/4" = 1'-0"



3
2.1
EXISTING NORTH ELEVATION
SCALE: 1/4" = 1'-0"



4
2.1
EXISTING WEST ELEVATION
SCALE: 1/4" = 1'-0"

B E A U
C L O W N E Y
architects
843.722.2040
BIASCOECHEA COTTAGE
2850 JASPER BLVD.
SULLIVAN'S ISLAND
EXISTING ELEVATIONS
1/4" = 1'-0"
05.20.16



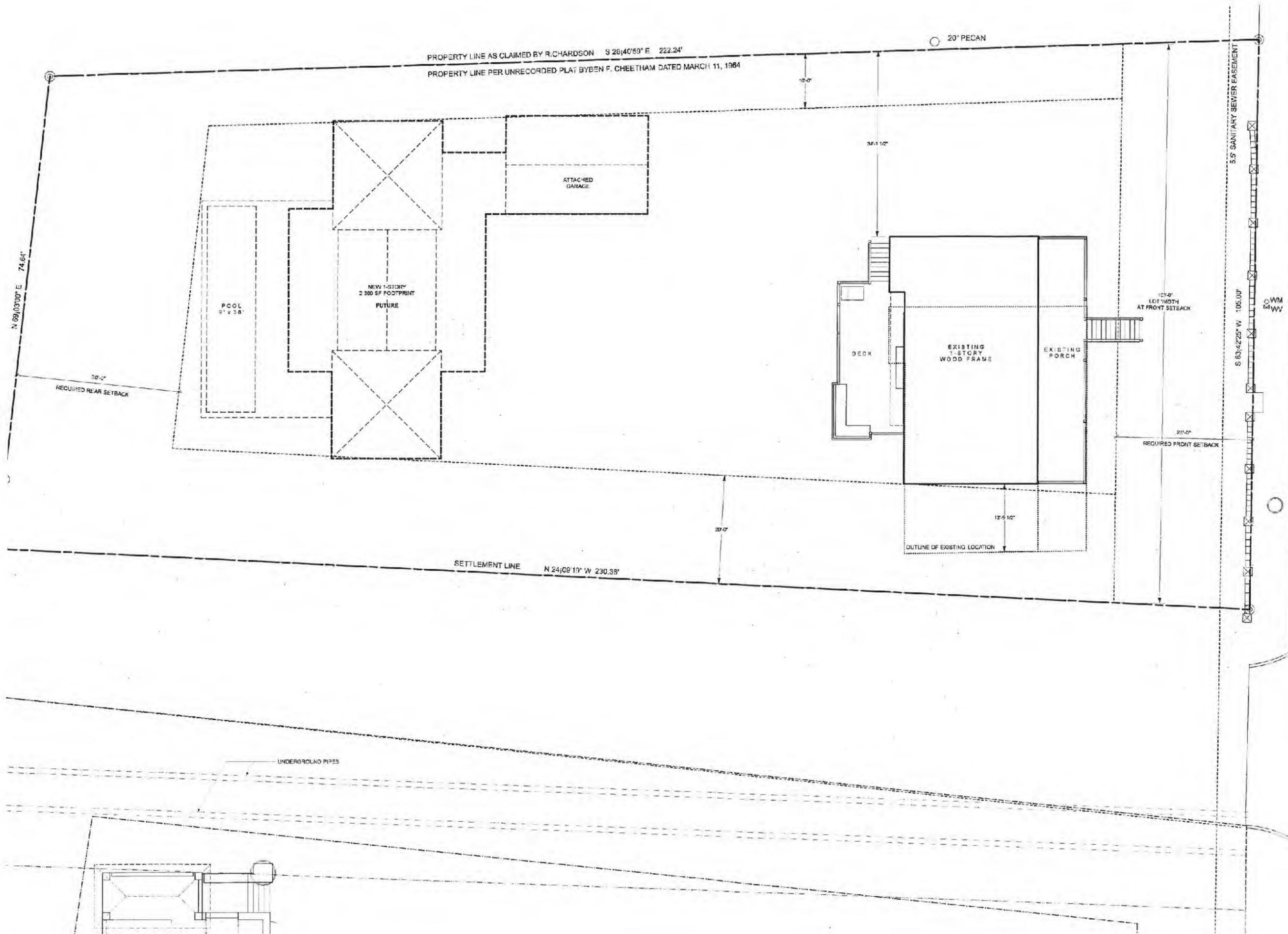
B E A U
C L O W N E Y
architects
843.722.2040

BIASCOECHEA COTTAGE
2850 JASPER BLVD
SULLIVAN'S ISLAND, SC
SITE PLAN

05.20.18

A 0.1

© 2014 BEAU CLOWNEY ARCHITECTS, LLC
All rights reserved. The reproduction or use of
this drawing or the design here on without the
written consent of the architect is prohibited.

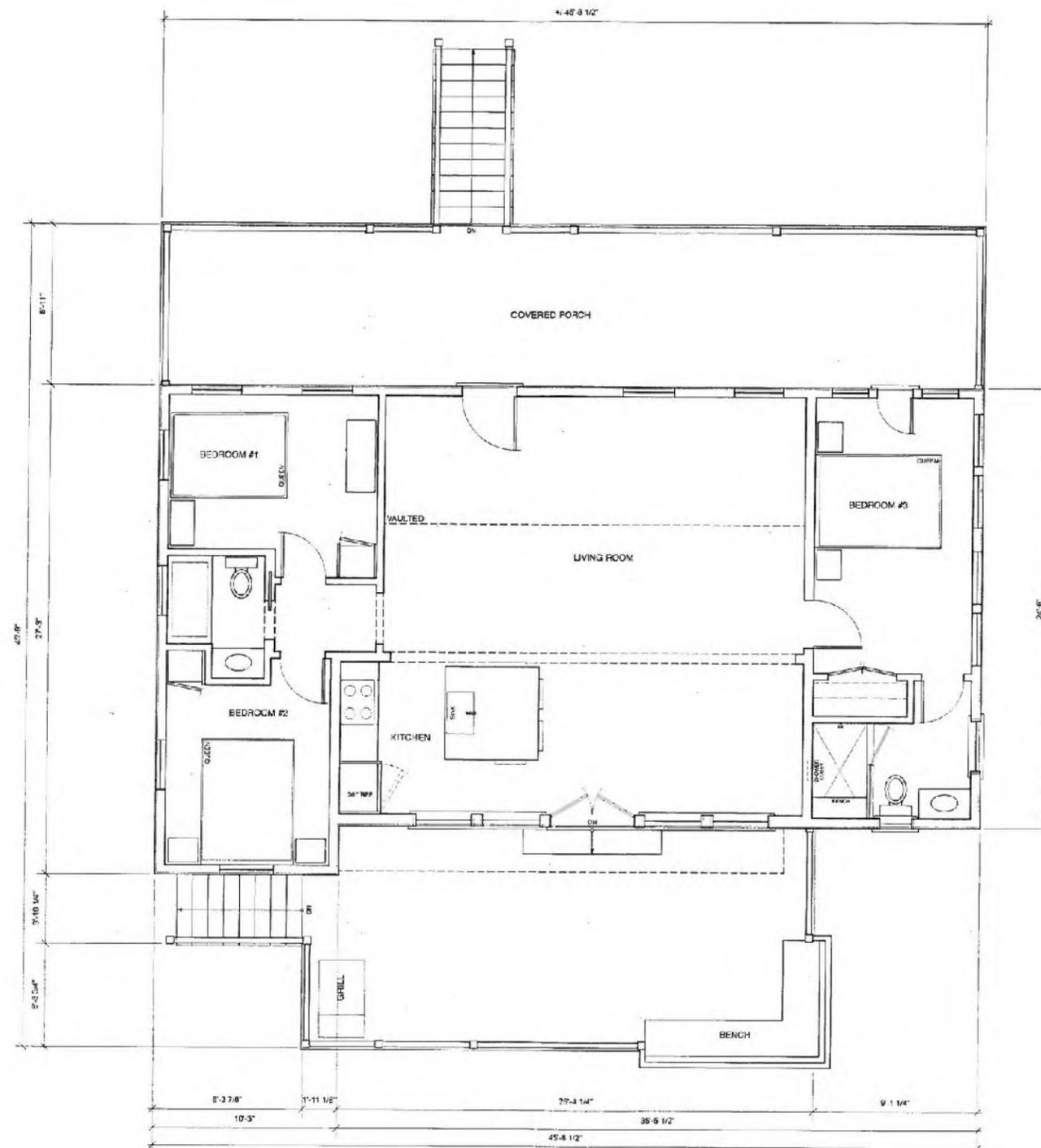


SITE INFORMATION, INCLUDING SITE BOUNDARIES,
SPOT ELEVATIONS, AND LOCATIONS OF
NEIGHBORING HOUSES BASED ON A SURVEY
PROVIDED BY PEABODY & ASSOCIATES, INC.
DATED APRIL 14, 2010 (REVISION)

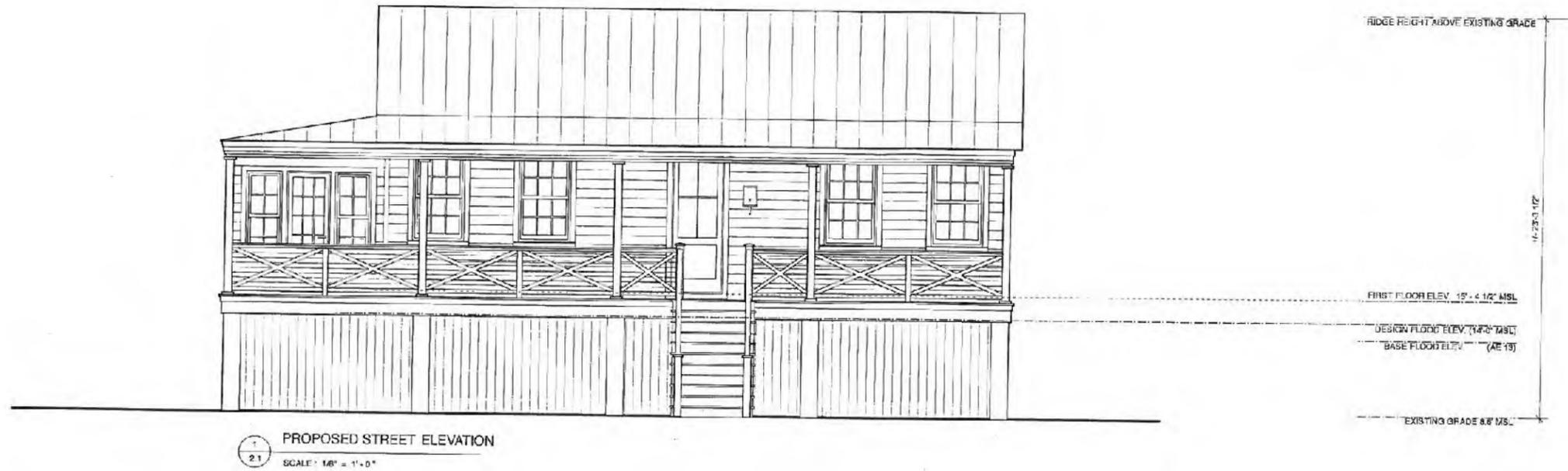
B E A U
C L O W N E Y
a r c h i t e c t s
8 4 3 . 7 2 2 . 2 0 4 0

BIASCOECHEA COTTAGE
2850 JASPER BLVD
SULLIVAN'S ISLAND, SC
SITE PLAN
1/8"=1'-0"

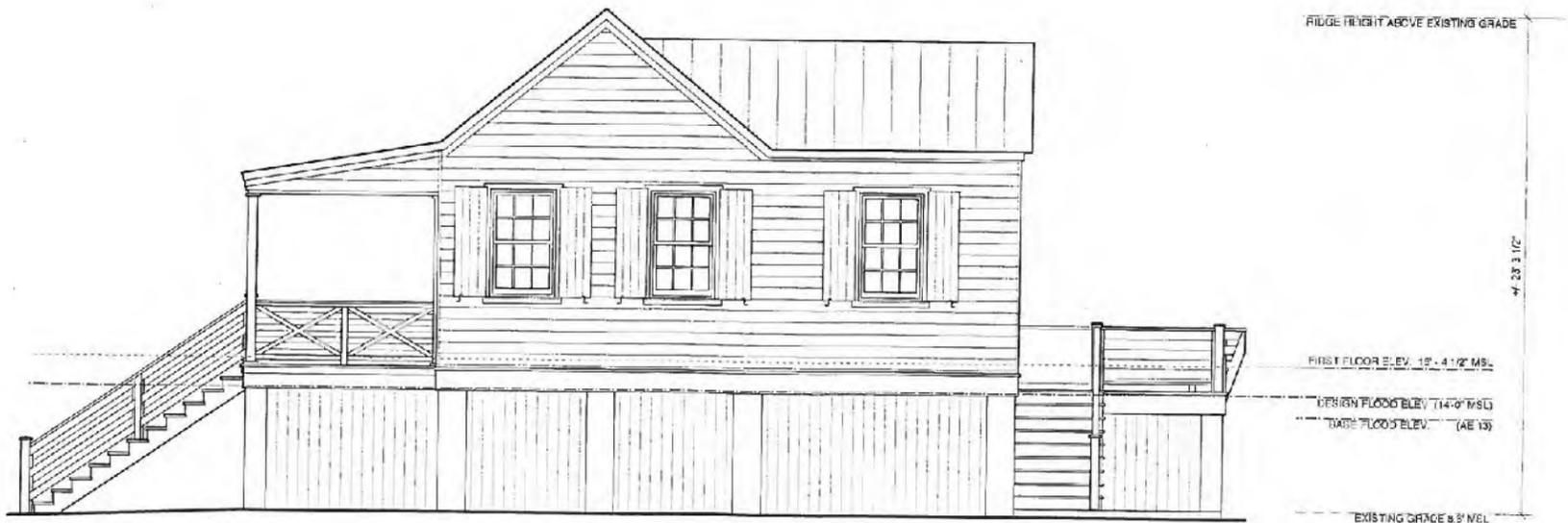
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B E A U
 C L O W N E Y
architects
 843.722.2040
 BIASCOCHEA RESIDENCE
 2850 JASPER BLVD
 SULLIVAN'S ISLAND, SC
 FIRST FLOOR PLAN
 1/4" = 1'-0"
 05.20.16



1
 21
 PROPOSED STREET ELEVATION
 SCALE: 1/8" = 1'-0"



2
 21
 PROPOSED EAST ELEVATION
 SCALE: 1/8" = 1'-0"

B E A U
 C L O W N E Y
 architects
 843.722.2040
 BIASCOCHEA COTTAGE
 2850 JASPER BLVD.
 SULLIVAN'S ISLAND
 ELEVATIONS
 1/4" = 1'-0"
 05.20.16



B E A U
 C L O W N E Y
 architects
 843.722.2040

BIASCOECHEA COTTAGE
 2050 JASPER BLVD.
 SULLIVAN'S ISLAND
 ELEVATIONS
 1/4" = 1'-0"
 05.20.16

received
7/14/16

Town of Sullivan's Island
NOTICE OF APPEAL-FORM 1
BOARD OF ZONING APPEALS

Date Filed: 7/14/2016 Permit Application No. _____ Appeal No. _____

This form must be completed on a hearing on appeal from action of a zoning official, application for a variance, or application for special exception. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [indicate one]:

- From action of a zoning official as stated on attached Form 2
- For a variance as stated on attached Form 3
- For a special exception as stated on attached Form 4

APPLICANT [print] William Carroll / Jessica Carroll

MAILING ADDRESS: 414 PATRIOT ST. SULLIVAN'S ISLAND, SC. 29482

Telephone 843.607.7292 [work] 843.607.7292 [home]

Interest: Property Owners Owner(s): _____ Adjacent Owner(s) Other _____

[Use reverse side if more space is needed]

PROPERTY ADDRESS: 414 PATRIOT ST.

Lot 49 Block _____ Subdivision _____

Tax Map No. 529-05-00-011 Plat Book E Page 78

Lot Dimensions: 101.00' x 70.22' Area: 7,080 SF

DESIGNATION OF AGENT [complete only if owner is not applicant]: I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: _____

Owner Signature(s)

I (we) certify that the information in this application and the attached Form 2,3, or 4 is correct.

Date: 7/13/2016

William Carroll MD
Jessica Carroll
Applicant Signature(s)

**Town of Sullivan's Island
Variance Application – Form 3
Board of Zoning Appeals**

Date Filed: 7/14/2016 Permit No.: _____ Appeal No.: _____

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provisions of the Zoning Ordinance:

Typewritten responses follow on pages 3-5
so that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows: Page 3

for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts.

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: Page 3

b. These conditions do not generally apply to other property in the vicinity as shown by: Page 4

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 as follows: Page 4

d. 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 for the following reasons: Page 5

3. The following documents are submitted in support of the application: Page 5

_____ A plot plan must be submitted].

Date: 7/14/2016

Jessie H. Small
Applicant's Signature

Town of Sullivan's Island
Variance Application - Form 3
Board of Zoning Appeals
August 11th, 2016

1. **Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provisions of the Zoning Ordinance:**

Article III. RS-Single Family Residential District Section 21-22 (E)(1).

This section of the ordinance requires a rear setback over twenty-five (25) feet from the rear property line.

We are requesting a fifteen (15) foot reduction of the twenty-five (25) foot setback ordinance currently in place for our property.

So that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows:

The addition of a small pool to the rear of the primary structure.

For which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the Zoning Ordinance.

2. **The application of the ordinance will result in unnecessary hardship, and the standard for a variance set by State Law and the ordinance are met by the following facts.**

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:**

414 Patriot St is extremely small lot when compared to all other lots on the island. While we are given some reprieve on side setbacks and impervious lot coverage restrictions as a result of the unusually small size and shape of the lot, we are still unfairly burdened by the same twenty-five (25) foot rear setback that is generally meant to apply to properties much larger than ours.

A nearly identical lot on our street at 424 Patriot, was awarded a setback variance in order to add a pool to their property on the basis of the exceptional conditions pertaining to that property's size as well. I have included the Town's BZA meeting notes from that variance request within the attached supporting documentation for review.

b. These conditions do not generally apply to other property in the vicinity as shown by:

The conditions upon which the petition for this Variance are based would not generally be applicable to other property within the same zoning district.

414 Patriot St is zoned within the RS-Single Family Residential District. As stated in the Zoning Ordinances for the Town of Sullivan's Island, Section 21-19 (A), "The regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy, environment for one single family, primarily owner-occupied dwelling per lot **with each lot having an area of at least one-half (1/2) acre...**"

At only 0.16 acres, our lot is extraordinarily smaller than the one-half (1/2) acre lot that the general zoning ordinances for this district were meant to be attributed to. The size of this property creates exceptional conditions whereby the same setback requirements should not be applied. To require the same setbacks on a one-sixth (1/6) acre lot as you would a one-half (1/2), or a full one (1) acre lot is unreasonable, and is far more stringent than other local jurisdictions for pool setback requirements.

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 as follows:

We have an ideal backyard for a small pool as referenced in the attached photos in the supporting documentation; however, because of the strict application of the twenty-five (25) foot rear yard setback requirement, on our exceptionally small lot, we are unreasonably restricted, and left in a position of not being able to do anything with this area of our property. With our backyard measuring only twenty-six (26) feet from the primary structure to the rear property line, the setback requirement as it stands effectively prohibits the use of this area of our property.

Furthermore, the precedent has been set by the board's decision on 424 Patriot St. when it granted their setback variance request. It would be unjust to allow one neighbor to make improvements to their property with the addition of a pool, while unreasonably restricting another by denying us that same right, especially considering the same conditions apply to this property as they did to 424 Patriot St. in 1999.

- d. 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 for the following reasons:**

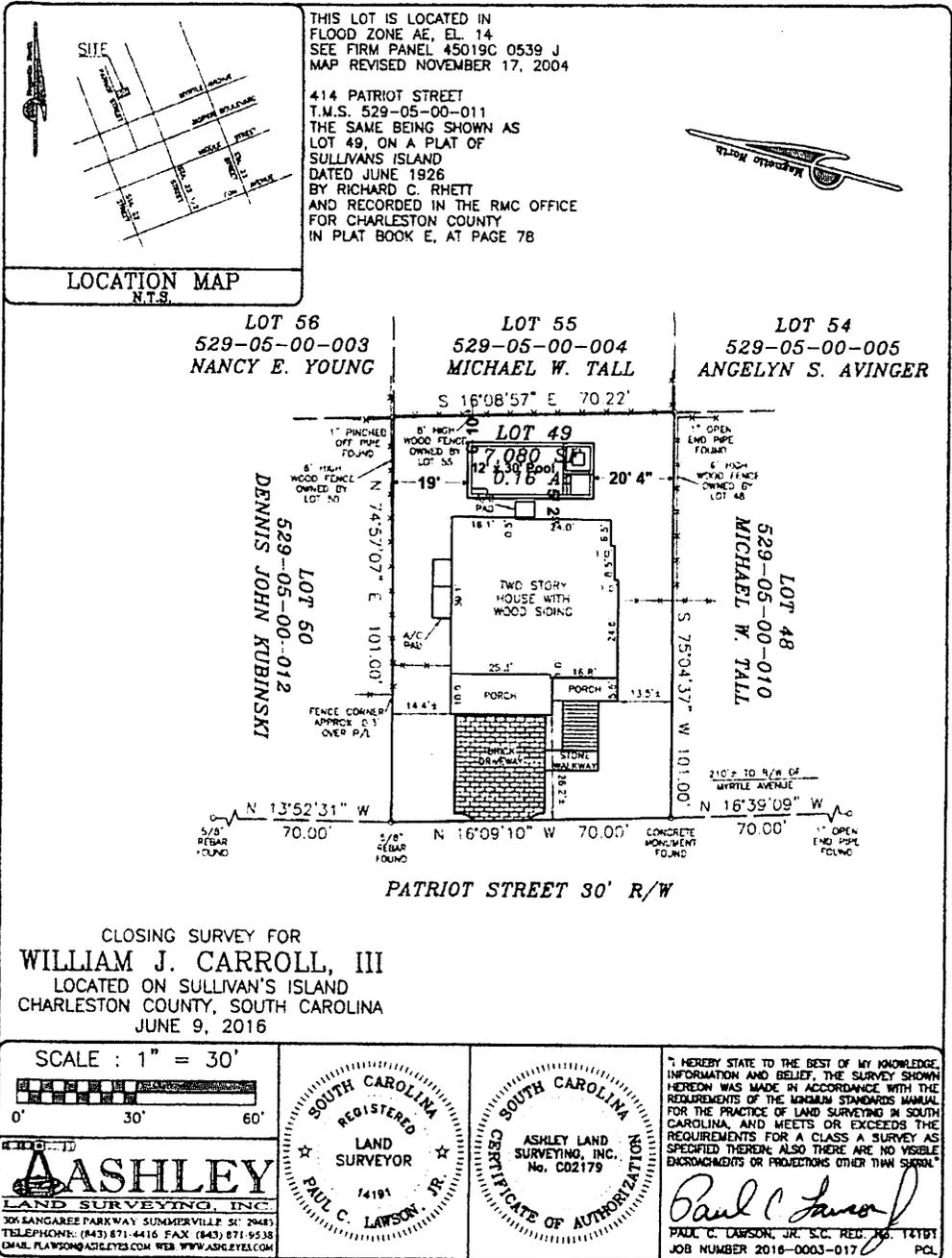
The proposed pool that this Variance is being requested for has been designed with the minimum coping allowable and will not include any additional impervious surface or decking. It will be constructed in a manner that achieves harmony with the neighborhood, and blends in visually in a low-key, unobtrusive manner with the surroundings. Additionally, the proposed pool does not encroach or infringe on any neighboring residential properties, nor would it impose any hardship on any neighbors, nor would it serve to create a situation where any neighbor's quality of life, property value, or peaceful co-existence would be negatively affected. Quite the contrary, as indicated in the included letters of support, our bordering neighbors are all in support of this variance being granted and look forward to the ability to share in the enjoyment of a pool.

Two doors down at 420 Patriot St, the owners were allowed to add a pool to their property without the need for a variance because it fit within the ten (10) foot minimum side yard setback requirements. However, this pool sits less than twenty (20) feet away from their neighbor's kitchen and living area of their home, encroaching on their space. It seems contrary to the purpose of these zoning ordinances that this pool location at 420 Patriot would be acceptable to the town; but our request, that in no way infringes upon neighboring properties, would be denied based solely on an exorbitantly large setback requirement that should not be applicable to lots of this size. Unlike the pool constructed at 420 Patriot St, the proposed placement of our pool would allow a substantial buffer in all directions of any other neighboring home.

Our home is by far the smallest square footage house on Patriot Street, the home is well centered on the side setbacks of the property so as to not crowd either of the neighboring lots, and easily meets all zoning requirements set by the Town.

3. The following documents are submitted in support of the application:

- Plot Plan
- Property Photos (414 Patriot St.)
- Letters of Support
- BZA Variance Approval for 424 Patriot St. Pool
- 420 Patriot Photos



Lot Coverage:

Total Lot Square Footage.....	7,092 Sqft
House.....	1624 Sqft
Front Screen Porch.....	258 Sqft
Front Porch at Stairs.....	95 Sqft
Front Stairs.....	113 Sqft
Stone Walkway.....	66 Sqft
Both A/C Pads.....	89 Sqft
Driveway (Pervious Pavers).....	595 Sqft
Pool.....	448 Sqft

Dennis & Christina Kubinski
418 Patriot Street
Sullivan's Island, SC 29482

July 7, 2016

Board of Zoning Appeals
2050-B Middle Street
Sullivan's Island, SC 29482

Dear Members of the Board:

Our neighbors, William and Jessica Carroll, are seeking a variance from the Board in order to accommodate a small pool in their backyard at 414 Patriot Street.

We own lot 50 (418 Patriot Street) which borders the Carroll's property. We understand the addition of a pool requires a zoning variance of the rear setback requirement and we fully support their request for this variance and addition of a pool.

The proposed variance and/or pool would not negatively impact our property. We look forward to seeing the finished product.

Thank you for your time and consideration,

Dennis & Christina Kubinski
418 Patriot Street
christinakubinski@gmail.com
864.993.8110

Michael W. Tall
410 Patriot Street and 413 Station 22 ½ Street
Sullivan's Island, SC 29482

July 12, 2016

Board of Zoning Appeals
2050-B Middle Street
Sullivan's Island, SC 29482

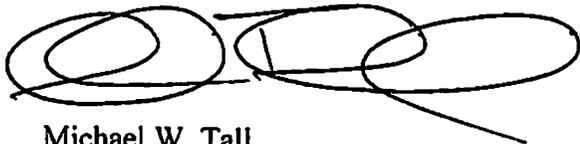
Dear Members of the Board:

This letter is to affirm support for my neighbors, William and Jessica Carroll, who are seeking a variance from the Board in order to accommodate a small pool in their backyard at 414 Patriot St.

I am currently the owner of 410 Patriot Street (next door) and 413 Station 22 ½ Street, (directly behind), both of which border the Carroll's lot. I understand that the addition of a pool requires a zoning variance of the rear setback requirement and I fully support their request for this variance and addition of a pool.

The proposed variance and/or pool would not negatively impact either of my properties in any way.

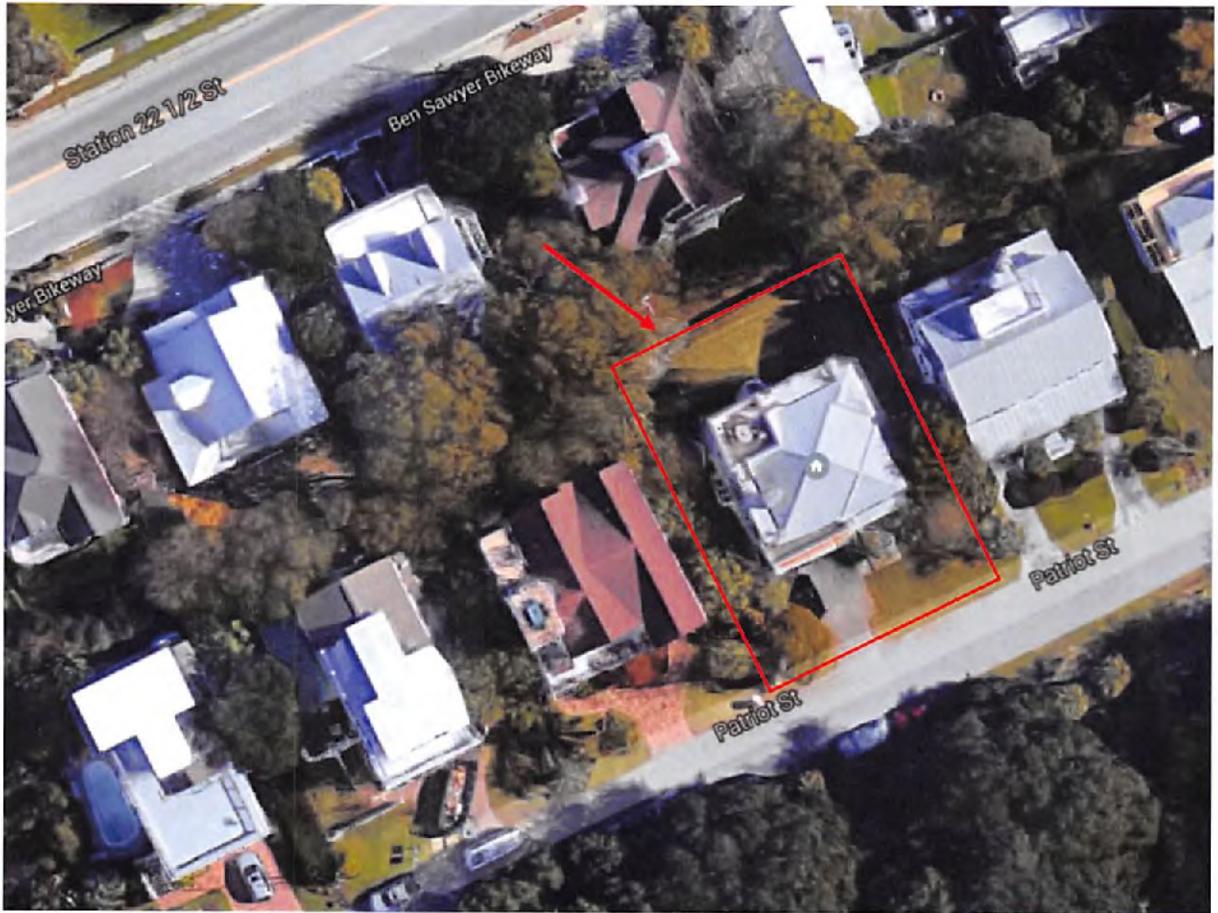
Thank you for your time and consideration,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Michael W. Tall
410 Patriot Street and 413 Station 22 ½ Street
Michael.tall@yahoo.com
843.422.3851

414 Patriot Street Photos

Aerial View



R/L Backyard View



L/R Backyard View



Front View



May 13, 1999

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: Thom Hiers, Acting Chairman
Bill Barr
Jay Keenan
Gail Rahn

Upon motion by Mr. Barr, seconded by Mr. Keenan, minutes of the March 11, 1999 meeting were approved as written.

Mr. Bruce IBS, representing Mr. Bert Wurthmann, requested a setback variance for a proposed structure at 423 Sta. 22 1/2 St. Mr. Ibs pointed out the fact that, according to Mr. Wurthmann, there had been a house on this small lot and a driveway still exists. AA plat of the lot showing the erratic critical line was presented. Mr. Ibs requests to be allowed to construct a house that is 35' X 50' and would require a 20 foot setback from the critical line. When asked if he would be in violation of the ordinances regarding lot coverage, Mr. Ibs answered that the proposed house would be 1750 sq. feet and the allowable coverage is 1833 sq. feet. Paul Fields, owner of the neighboring property, stated that this is a substandard lot and the critical line has moved in this area over the years, he has no objection to the proposed structure. Motion was made by Mr. Keenan, seconded by Ms. Rahn, to grant the variance based on the fact that this is a substandard lot, the critical line meanders up in there and would make the lot almost unbuildable situation is there wasn't a variance be granted for the footprint at the distance shown away from the critical line, carried unanimously.

Mr. Paul Fields petitioned for a setback variance at 424 Patriot Street for an inground swimming pool. Mr. Fields pointed out that this is a small lot and a large setback, other local jurisdictions are far more lenient than Sullivan's Island regarding pool setback requirements. Mrs. Arlene Oliver, owner of adjacent property, spoke against the granting of this variance said that Mr. Fields had filled in his lot and caused the rainwater to collect on her property. Mr. Fields stated that he had filled in the lot but he had also dug swails on both sides of his property to accommodate the drainage from Mrs. Oliver's property. Mrs. Oliver continued to object. The Board asked if Mr. Fields could reposition the pool, perhaps build it on the side of his house. Mr. Fields stated that he would not want the pool on the side and would work towards decreasing the distance from the critical line. The Board advised Mrs. Oliver that it was their feeling that the pool would in no way increase the drainage problems on her property. Motion was made by Ms. Rahn, seconded by Mr. Barr, to approve the request with the edge of the pool no more than 6 feet from the edge of the house, and the width of the pool no more than 12 feet at its widest width and 27 feet in length with no larger than 4 feet of either concrete or wood deck around the perimeter and that the line closest to the house be parallel with

the house. The basis is that this is a very small lot, which has extraordinary and exceptional conditions that are particular to this particular piece of property and are not applicable to other pieces of property in the area. Because of these particular conditions, the homeowner would be unreasonably restricted from utilization of the property as to the use of the property for a pool without the variance. Motion carried unanimously.

Mr. Del Schutte requested a variance for his dock at 2920 Jasper Blvd. Mr. Schutte stated that his existing dock is a total of 332 feet long, 50 feet less than his neighbor, Dr. Inabinett. He pointed out that his floating dock is resting on the mud at low tide and would request to be allowed to move the floating dock to the front of his existing dock as Dr. Inabinett has been allowed to do. Mr. Schutte stated that he has obtained a permit from Coastal Council. Motion was made by Mr. Barr, seconded by Ms. Rahn, to approve the variance request based on the variance granted to the neighbor in 1997 with condition that it will not be made any bigger, simply move the existing float around to the front, carried unanimously.

There being no further business to come before the Board, the meeting was duly adjourned.

Respectfully submitted,

Carolyn R. Kruger
Town Clerk

420 Patriot Street Pool Photos

Aerial View



Side View





Town of Sullivan's Island
Variance Application
Board of Zoning Appeals
August 11th, 2016

Variance Request for:
414 Patriot St, Sullivan's Island, SC 29482

Applicants / Owners:
William & Jessica Carroll

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PATRICK M. O'NEIL
MAYOR

TOWN OF SULLIVAN'S ISLAND



TOWN COUNCIL
CHAUNCEY CLARK, MAYOR PRO TEM
SARAH CHURCH
MARK HOWARD
RITA LANGLEY
SUSAN MIDDAGH
BACHMAN SMITH, IV

ANDY BENKE
TOWN ADMINISTRATOR
JASON BLANTON
DEPUTY ADMINISTRATOR/COMPTROLLER
LAWRENCE A. DODDS
TOWN ATTORNEY
GREG GRESS
WATER AND SEWER MANAGER
JOE HENDERSON
ZONING ADMINISTRATOR
DANIEL S. HOWARD
CHIEF OF POLICE
ELLEN MILLER
TOWN CLERK
RANDY ROBINSON
BUILDING OFFICIAL
M. ANTHONY STITH
FIRE CHIEF

BOARD OF ZONING APPEALS

IN ACCORDANCE WITH ZONING ORDINANCE SECTION 21-175,

I, Jessica Carroll HAVE SUBMITTED A COMPLETED BOARD OF ZONING APPEALS APPLICATION, FOR THE MEETING DATE OF August 11, 2016, WHICH WILL BE HELD AT SULLIVAN'S ISLAND TOWN HALL LOCATED AT 2050-B MIDDLE STREET, SULLIVAN'S ISLAND, SOUTH CAROLINA.

ADDITIONALLY, I UNDERSTAND THAT THE BOARD MAY POSTPONE OR PROCEED TO DISPOSE OF A MATTER ON THE RECORD BEFORE IT IN THE ABSENCE OF AN APPEARANCE ON BEHALF OF AN APPLICANT.

Jessica Carroll
APPLICANT SIGNATURE

7/14/2016
DATE

received
7-7-16
1 of 5

Town of Sullivan's Island
NOTICE OF APPEAL-FORM 1
BOARD OF ZONING APPEALS

Date Filed: _____ Permit Application No. _____ Appeal No. _____

This form must be completed on a hearing on appeal from action of a zoning official, application for a variance, or application for special exception. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [indicate one]:

- From action of a zoning official as stated on attached Form 2
- For a variance as stated on attached Form 3
- For a special exception as stated on attached Form 4

APPLICANT (print) Bruce A. Berlinsky

MAILING ADDRESS: P.O. Box 206, Charleston, SC 29402

Telephone 852-2202 [work] _____ [home] _____

Interest: attorney Owner(s): Elizabeth Brooke Hurt Adjacent Owner(s) Other: see attached
[Use reverse side if more space is needed]

PROPERTY ADDRESS: 2624 Ion Ave.

Lot 103 Block _____ Subdivision Moultrieville

Tax Map No. 529-10-00-026 Plat Book D Page 184

Lot Dimensions: _____ Area: _____

DESIGNATION OF AGENT [complete only if owner is not applicant]: I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: _____

Elizabeth Brooke Hurt
E Brooke Hurt
Owner Signature(s)

I (we) certify that the information in this application and the attached Form 2,3, or 4 is correct.

Date: _____

Applicant Signature(s)

ADJACENT OWNERS

VIKING 22, LLC

2630 Ion Avenue

TOWN OF SULLIVAN'S ISLAND
Appeal from Action of Zoning Official - Form 2
Board of Zoning Appeals

Date Filed _____ Permit Application No. _____ Appeal No. _____

1. Applicant hereby appeals to the Board of Zoning Appeals from the action of the Zoning Official affecting the property described in the Notice of Appeal [Form 1] on the grounds that:

_____ granting denial of an application for a permit to rental unit
was erroneous and contrary to provisions of the zoning ordinance in Section; or other action or decision of the Zoning Official was erroneous as follows:

Property was constructed as a rental unit & has been taxed as a duplex since construction in 1983

2. Applicant is aggrieved by the action or decision in that:

property has had a rental apt since it was built in 1983 & has been continuously rented since that time

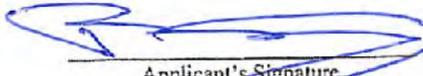
3. Applicant contends that the correct interpretation of the zoning ordinance as applied to the property is:

Due to continuous use & based on the legal defenses of laches & equitable estoppel, applicant is entitled to rental permit.

4. Applicant requests the following relief:

rental permit for existing apartment

Date: 6/6/16


Applicant's Signature
Steph W. - applicant

BRUCE A. BERLINSKY, P.A.
Attorney at Law

Mailing Address:
PO Box 206
Charleston, SC 29402

One Carriage Lane, Building F
Charleston, SC 29407

Office: (843) 852-2202
Fax: (843) 852-4844
Bruce@berlinskylawfirm.com

July 6, 2016

Town of Sullivan's Island
Board of Zoning Appeals
PO Box 427
Sullivan's Island, SC 29482

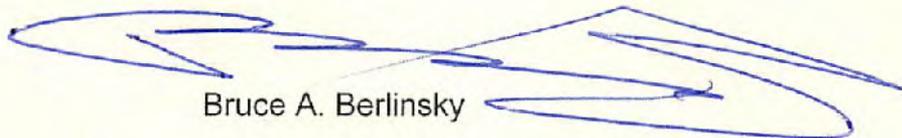
RE: Elizabeth B. Hurt
TMS No. 529-10-00-026

Dear Sir:

In connection with the above referenced matter, enclosed please find zoning appeal, together with filing fee in the amount of \$220.00. If you need anything further, please do not hesitate to contact me.

With kind regards, I am

Sincerely,


Bruce A. Berlinsky

BAB/jlr
Enclosures

paid 7/7/16 Em

PATRICK M. O'NEIL
MAYOR

TOWN OF SULLIVAN'S ISLAND

ANDY BENKE
TOWN ADMINISTRATOR

5

TOWN COUNCIL
CHAUNCEY CLARK, MAYOR PRO TEM
SARAH CHURCH
CHAUNCEY CLARK
MARK HOWARD
RITA LANGLEY
SUSAN MIDDAGH
BACHMAN SMITH, IV



received
7-7-16 yaf

JASON BLANTON
DEPUTY ADMINISTRATOR/COMPTROLLER

LAWRENCE A. DODDS
TOWN ATTORNEY

GREG GRESS
WATER AND SEWER MANAGER

JOE HENDERSON
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APPLICANT SIGNATURE

2/7/16
DATE