

November 9, 2006

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: Jay Keenan, Chairman
Jimmy Hiers
Susan Middaugh
Alice Paylor

Motion was made by Alice Paylor, seconded by Susan Middaugh, to appoint Jay Keenan as Chairman, carried unanimously.

Motion was made by Jay Keenan to appoint Alice Paylor as Vice Chairman, carried unanimously.

Motion was made by Alice Paylor, seconded by Jimmy Hiers, to approve the September minutes, carried unanimously.

Motion was made by Jimmy Hiers, seconded by Susan Middaugh, to approve the October minutes as amended, carried unanimously.

Officers' Quarters, LLC. 1776 P'on Avenue, variance for individual water and electric meters. Neil Stevenson of Neil Stevenson Architects represented the owners. He stated they received approval to reduce the number of units from nine to six. They are now seeking a variance for seven individual water and electric meters, because the zoning ordinance only allows for one meter per parcel of land. Mr. Stevenson stated this is a unique piece of property because it was the Officers' Quarters, and there are not many properties on Sullivan's Island where there are several residences on one piece of property. He stated each individual unit would need its own water and electrical meter, and one meter for the regime to run lighting and the swimming pool. Zoning Administrator Kent Prause stated that there is no real hardship stated in the application; and there are many multiple dwelling units on the Island that if granted, the Board would possibly have to grant a variance to other units; and Town Council has not changed the rule of one meter per property during the many amendments to the Zoning Ordinance; and that sub-meters could be installed after the master meter. Mr. Prause read information from Town Attorney Larry Dodds: Mr. Dodds stated that the variance should be denied; that there is no hardship; the ordinance was in effect at the time of condo conversion which is a self-created hardship.

Mr. Prause read that 21-20 B5(a) states that only one electric and/or water meter shall be allowed per residentially zoned lot. Section 21-20 B5(b) states an owner shall be permitted to maintain additional meters if the additional meters were lawfully installed on a legally authorized dwelling for which a Certificate of Occupancy was duly issued at the time of the original ratification of the Zoning Ordinance in 1977; provided, such additional meter's use has not been discontinued as evidenced by a lack of use for a period of at least one (1) year. In the event any additional meter is removed, no additional electrical and/or water meter shall be reinstalled in place thereof. Mr. Prause also mentioned that Town Ordinance Section 20-7 states only one water meter per lot is allowed, so if the Board granted the variance, they applicant would also have to deal with that ordinance.

Motion was made by Alice Paylor, seconded by Susan Middaugh, to defer until the next meeting for applicant to determine if sub-meters are feasible, carried unanimously.

Smith, Jr., William C. 950 Middle Street, variance for rear setback. Mr. Smith was represented by Beau Clowney and Justin Ferrick of Beau Clowney Designs. Mr. Ferrick reviewed the history of the property. It is a one bedroom, potentially two bedroom house the way it is currently configured. They have approval from the Design Review Board for the design to add to the attic, including dormers. After reviewing, they thought that was not the best solution. They thought a discreet addition off the corner of the house was a more appropriate solution. The attic addition might have potentially brought in the 50% rule, which meant the house would need to be elevated. Mr. Ferrick stated the main goal was to protect the integrity of the historic structure. Their new plan is the most discreet volume on the house that could allow two additional children's bedrooms. It is a very modest addition to a very small house. The house is oriented toward Middle Street and it is also a corner lot. Middle St. runs at a non-orthogonal angle to the rest of the property lines, which actually puts the house in a skewed position to the rest of the lot lines. Therefore, the standard setbacks are actually much greater because it is not an orthogonal orientation. And because it is an historical structure, and because it relates to Middle Street there is no good argument to rotate the house to arbitrarily fit those setbacks. Because it is a corner property, had the house originally been built at 90 degrees, the requested rear setback would have been a side yard setback. Because of the skewed angle, the majority of the house is well inside of the 25 ft setback. Only 163 sq ft of actual addition would be in violation of the 25 ft setback. The Design Review Board was very enthusiastic to this solution compared to the last one, and it was also approved.

Mr. Prause stated that they already have a plan approved that does not require a variance; and have a certificate of appropriateness to get a permit. It is hard to argue a hardship when they already have approved plans that do not require a variance. Granted, the Design Review Board may think this is a better treatment, however, the standards the Board of Zoning Appeals has to apply are strict, and the standard of liking it better does not apply. The side setback shown is incorrect; it is 15' instead of 19'; which would give them an extra four feet to go in that direction to not need a variance that way. The circular porch addition is not part of the historic house. The sunroom and deck to be removed are being replaced with a great room. Instead of a greatroom, perhaps they could place the bedrooms behind the house without encroaching into the area.

Mr. Ferrick stated that they have certificates of appropriateness for either solution. They are asking for 163 sq ft of variance. Mr. Ferrick noted that they are trying to meet item two of the hardship test regarding substantial detriment. He stated they have approval to do something they now feel is not necessarily the best solution for this property, the neighborhood, and Sullivan's Island, and are therefore requesting the variance.

Motion was made by Alice Paylor, seconded by Susan Middaugh, to approve the variance because there are extraordinary and exceptional conditions pertaining to this particular piece of property in that it is a historic one-story structure positioned in the back corner of a very small lot; the lot is irregularly shaped and small in size; the way the house is oriented toward the Middle Street property line; the conditions do not generally apply to other property in the vicinity because all of the other properties are in regular orthogonally shaped lots of normal size and not all of the properties are historic and they can be altered more liberally; the application of the ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property because even though they have

the ability to go up into the second floor, it is not the best use and it does restrict the fact that they can not put a normal second floor on there and have to be governed by the Design Review Board makes it tougher to do that, plus they would have to raise it up and that would destroy some of the character of the house; the authorization of the variance will not be of substantial detriment to the adjacent property or to the public good; and the character of the district will not be harmed, in fact it will be bettered by having it this way than any other way they could do it, carried unanimously.

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

Respectfully submitted,

Ellen McQueeney

Approved:

Date: _____