

February 14, 2008

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
Susan Middaugh
Betsy Richardson
Bachman Smith

Motion was made by Susan Middaugh, seconded by Betsy Richardson, to approve the January 10, 2008 minutes, carried unanimously.

Chairman Keenan administered the oath to all applicants and participants.

Heilmann, Mindy. 2662 Goldbug Avenue. Variance for RC-2 setback. Chairman Keenan asked Zoning Administrator Kent Prause to present. Mr. Prause stated that at the last meeting, the Board deferred the application on its own motion in order for the owner of the lot to make sure that the conditional approval on the variance on limiting the size of the house would suit her needs. A front yard setback was also discussed.

Eddie Fava, E.E. Fava Architects, represented Ms. Heilmann. Mr. Fava stated the lot has a significant mound covered with live oaks. A 5,223 sq. ft. house could be built in front of the mound without a variance; however, they propose in order to preserve the green of the streetscape, and Ms. Heilmann would like the marsh view, a more sensitive solution to build to the rear of the mound. The mound and trees will be mainly untouched, as the goal is to preserve the trees and streetscape. The only variance needed is defined by the adjacent homes in the block as to how far the house can be built behind the mound. Every other setback and regulation would be met such as lot coverage, height, scale, mass, etc. The variance is for the setback which typically is a 30 foot setback; they are proposing as far as 50 feet off of the rear. However, the setback is actually governed by the houses adjacent to the property. The variance is needed from Section 21-23 (E) (1) (b): no structure greater than four and one-half feet shall be constructed or moved on a lot so that any portion of the structure closest to the rear lot line is further from the center of the right-of-way forming the landward boundary of the lot and running generally parallel with the marshlands than the greatest distance between the center of the said right-of-way to the furthest point of any dwelling on the block on which the lot is located.

An accessory building on the front side of the mound, such as a garage, not heated or cooled, was also discussed at the last meeting; as was a setback for the front yard. Ms. Heilmann now requested an 85' front yard setback; 25' is the required setback. At the last meeting, it was discussed to limit the house to 3600 sq. ft.; Ms. Heilmann would like to have 3800 sq. ft.

The subject was presented to the adjacent neighbors previously. While one neighbor was agreeable with the proposal, the other neighbor, Mr. Arthur Brown, had not made a decision. Mr. Brown was present at the meeting. After Mr. Fava described the project, Mr. Brown and his wife stated they did not want an accessory building in front of the mound. They also were concerned about the tree line along the marsh. Mr. Fava stressed they have no intention of taking a lot of trees down near the marsh.

Howard Stone, 2672 Jasper, stated he lives across the street. He was concerned about the impact on the marsh environment; the size of the proposed house compared to the current houses, and the appropriateness to build a house in that location given what past hurricanes have done to homes.

Chairman Keenan stated he was concerned if the Board approved this variance, the Board is allowing the orientation of the house on that lot to be totally different from every other house on the island. Other houses on the island orient toward the street with the accessory building behind it. The exception in this case is the dune in the center of the lot, which may be a significant enough problem to allow the variance. He was also concerned about setting a precedent. Betsy Richardson stated she was also concerned about setting a precedent and agreed about concerns about the trees, hurricanes, and size of the house in comparison to adjacent homes; and also with fires.

Motion was made by Susan Middaugh, seconded by Bachman Smith, to grant the variance to allow a house to be built on the marsh side of the mound because there are extraordinary and exceptional conditions; this particular piece of property has a large sand dune that is very heavily covered with live oak trees in the center of it, and that restricts the placement of the house; these conditions do not generally apply to other property in the vicinity; because of these conditions the application of the ordinance would unreasonably restrict the siting of the house to take advantage of marsh views and would disproportionately impact the homeowner beyond the intent of the ordinance; building the house behind the dune will avoid building a large house in front of the dune, and because of that it would not be a substantial detriment to the adjacent property or the public good; this would be with the following stipulations: 60 foot additional front setback beyond the 25 foot requirement, for a total of 85 feet front setback; there will be a limit of 3800 square feet on the house heated and cooled, and no accessory building in front of the mound; the variance should not be considered a precedent for a new front setback line for other properties along that block; and that these restrictions of the variance be recorded as restrictive covenants along with the deed that would run with the property; carried by a vote of 3-1, with Betsy Richardson casting the negative vote.

Stratos, Milton. 2502 Goldbug Avenue. Variance for foundation height. Chairman Keenan asked Mr. Prause to present. Mr. Prause stated this is a variance from Section 21-31 Foundation Height. Section B (1) and (2) state that the bottom elevation of the principal building's horizontal structural member shall be no more than the greater of seven feet above grade or two feet above the FEMA base flood elevation; the finished floor shall be no more than three feet above the FEMA base flood elevation. The applicant needs relief from both of those requirements. Mr. Prause stated he was recusing himself from this application, as he has known Mr. Stratos for years and Mr. Stratos has had a profound influence on his son. However, he will answer the Board's questions, and Building Official Randy Robinson is available for comment also. Mr. Prause stated the house is in an AE elevation 13, so two feet above that from the bottom of the lowest horizontal member would be 15; and three feet above from the finished floor would be 16. The height of the house is within the requirements for overall height. Mr. Robinson stated the Design Review Board can allow for one extra foot, which they have granted. The house is currently under construction. Mr.

Robinson showed the house plans to the Board. Mr. Robinson stated that the existing conditions are not built according to the plans submitted. It is 2.6 feet higher than what was allowed. Chairman Keenan stated there is a violation in the ordinance in the fact that the house is being built differently than what was on the plans. Mr. Stratos stated they have not exceeded the overall height in general, however, the extraordinary and exceptional conditions on this lot are unique only to this lot, and it would not set a precedent. If the ordinance is applied to this lot, it would disproportionately affect this lot. He added after surveying the entire island, this is the only piece of property that would be affected. Mr. Stratos asked Mr. Tony Hunt, engineer of record for the property, to present for him. Mr. Hunt spoke regarding Section 21-31, and presented a mosaic of flood elevation maps. He stated the combination of the shallow base flood elevation and the grade elevation is creating the hardship. The builder is Genieve Stratos, also present. When Bachman Smith questioned if a mistake was made by the contractor, Mr. Hunt stated that a mistake was made by the foundation subcontractor. The drawings are correct, and they meet the ordinance. Genieve Stratos stated she strived when building this house to make every effort to maintain neighborhood standards. She stated she does have 23 signatures from residents of Raven and Goldbug regarding keeping with neighborhood compatibility, and these neighbors are agreeable with the house.

Motion was made by Bachman Smith, seconded by Betsy Richardson, to grant the requested variance, carried unanimously.

Motion was made by Susan Middaugh, seconded by Bachman Smith, to appoint Jay Keenan as Chairman and Alice Paylor as Vice Chairman for 2008, carried unanimously.

The Board unanimously agreed to readopt the current Rules of Procedure for the Board of Zoning Appeals.

Motion was made by Bachman Smith, seconded by Betsy Richardson to adjourn, carried unanimously.

Respectfully submitted,

Ellen McQueeney

Approved:

Date: _____