

August 13, 2009

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: Alice Paylor, Chair
Brian Hellman
Jimmy Hiers
Jay Keenan
Susan Middaugh
Betsy Richardson
Bachman Smith

Motion was made by Bachman Smith, seconded by Jimmy Hiers, to approve the minutes from the May 14, 2009 meeting, carried unanimously.

Chairwoman Paylor administered the applicant and participant oath.

Ron Blanchard, 3117 Marshall Blvd., setback variance. Chairwoman Paylor asked Building Official Randy Robinson to present. Mr. Robinson stated that the applicant is requesting a 10 ft. street side setback variance. The Board has allowed a 5 ft. variance for other properties in the area in the past; however, they have always placed a deed restriction with those variances.

Chairwoman Paylor stated for the record, that correspondence was received from a neighbor, Mr. George, opposing the variance request. Bill Walker, 3118 Marshall Blvd., was present and stated he and his wife oppose the variance request.

Designer Carl McCants represented the applicant. Mr. McCants stated that OCRM said the lot could be built up to the crest of the dune; however, the RC1 setback for Sullivan's Island is 30 feet. He added that the hatched area on the application drawing, minus the five ft setback, is basically the footprint; and it will be in line with adjacent houses.

After further discussion, **motion was made by Jimmy Hiers, seconded by Jay Keenan, to table the application until the next meeting when Mr. McCants can present a plot plan for the lot, carried unanimously.**

Paul Boehm, 2720 Goldbug "B", appeal from action of zoning official to permit connecting slat house to other deck and house. Jimmy Hiers recused himself from this application, as he lives directly next door, but he will comment as a citizen. Mr. Hiers also respectfully asked Brian Hellman to recuse himself, as he might also have a conflict of interest. Mr. Hellman responded while one of his clients is involved with Mr. Boehm, there is no financial interest. Chairwoman Paylor asked Building Official Randy Robinson to present. Mr. Robinson stated that Section 21-150 (F) (3) and 21-150 (B) clearly state that a nonconforming use shall not be expanded except to eliminate or reduce the nonconforming aspects. Chairwoman Paylor stated for the record that correspondence was received from Martine Hiers, 2714 Goldbug and Shay Molony, 2707 Goldbug, opposing the variance. Aussie Geer, 2702 Goldbug, was present and expressed concern that granting this variance would set a precedent. Jimmy Hiers, 2714 Goldbug, asked Chairwoman Paylor to read the letter sent to the Board from his wife, Martine Hiers, opposing the variance. Roy Williams, 2513 Iron Avenue, stated that the screen porch would not damage the neighborhood.

Attorney Bill Barr represented Mr. Boehm. Mr. Barr presented photographs to the Board, and stated the slat house was built in 2001. In Mr. Barr's opinion, there is an ambiguity between Sections 21-150 and 21-151. The terms "use" and "structure" are muddled in the ordinance. It is a non-conforming structure and should be governed under Section 21-151. Mr. Boehm is requesting a screen porch – to put a roof and screen on the current slat house, which is not a deck; it is actually a free-standing deck. Mr. Boehm stated that Section 21-149 (C) (3) states that the ordinance intends to place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the Town as a whole; therefore, he believes the variance should be granted.

Motion was made by Susan Middaugh, seconded by Betsy Richardson, that the Board affirms the decision of the Zoning Administrator, carried unanimously.

There being no further business to come before the Board, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Ellen McQueeney

Approved:

Date:
