

February 11, 2010

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: Jimmy Hiers
Susan Middaugh
Susan Romaine
Bachman Smith
Elizabeth Tezza

Vice Chairman Bachman Smith called the meeting to order. **Motion was made by Elizabeth Tezza, seconded by Jimmy Hiers, to amend the agenda to include the election of officers for 2010 as Item 4 on the agenda, carried unanimously.**

Motion was made by Jimmy Hiers, seconded by Susan Romaine, to approve the minutes from the November 12, 2009 meeting, carried unanimously.

Motion was made by Susan Middaugh, seconded by Susan Romaine, to approve the minutes from the October 8, 2009 meeting, as amended, pending the review of changes by the appointed subcommittee (committee comprised of Susan Middaugh, Jimmy Hiers and Bachman Smith)[in order to expedite approval of the minutes before the March meeting]. The amendments are for the Coste application for 322 Station 19: (1) First motion made by Jimmy Hiers – Add a point of clarification after the end of motion to read: [Point of clarification by Mr. Hiers: This appears to be primarily a condominium owners' dispute and not a typical setback issue, and question whether this issue belongs before the Board of Zoning Appeals; which is why I stated this is of no great interest to the Town]. (2) Motion made by Bachman Smith – Add point of clarification after end of motion: [Point of clarification by Mr. Smith: Based solely on the fact that should the Board deny the appeal and the driveway is removed, the owner can go to the Zoning Administrator to replace it, and he has sufficient square footage in his permeable surface. Motion carried unanimously.

Vice Chairman Bachman Smith administered the applicant and participant oath.

Pierre Manigault, 2429 Atlantic Avenue. Variance to prune wax myrtles to 3-1/2 feet. Bachman Smith asked Building Official Randy Robinson to present. Mr. Robinson stated that this property, along with one other one-story house on the island, has been granted a variance for years to prune the wax myrtles to 3-1/2 feet because the house is only one-story.

Motion was made by Susan Middaugh, seconded by Jimmy Hiers, to approve the application on the findings as previous years that this property has extraordinary and exceptional conditions. There are only two houses that are essentially single story at ground level and since the ordinance was set up in 1995 the Board has made, on an annual basis, an exception for these two properties only. These conditions do not generally apply to other property in the vicinity and can not be taken as a precedent for

any other front beach property. Because of the unusual conditions of being at ground level, the application of the ordinance as it now stands will disproportionately impact the utilization of the property. Property owners with two stories are allowed to cut wax myrtles – previously 7 feet but now to 5 feet – so that 3-1/2 feet for these two properties is proportional. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good. The character of the district will not be harmed by the granting of the variance in these two cases, as the Board has granted for since 1995, carried unanimously.

Motion was made by Susan Middaugh, seconded by Elizabeth Tezza, to re-elect Alice Paylor as Chairman of the Board for 2010; and to elect Jimmy Hiers to serve as Vice Chairman for 2010, carried unanimously.

Motion was made by Jimmy Hiers, seconded by Susan Romaine, to adjourn at 7:30 p.m., carried unanimously.

Respectfully submitted,

Ellen McQueeney

Approved:

Date:
