

January 12, 2012

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, Chairman  
Ward Lasso  
Susan Middaugh  
Bachman Smith  
Elizabeth Tezza  
Carlin Timmons

Chairman Hiers called the meeting to order.

**Motion was made by Bachman Smith, seconded by Susan Middaugh, to approve the December 8, 2011 minutes as amended, carried unanimously.**

Chairman Hiers administered the oath to the applicant and participants, and asked Mr. Robinson to present the application.

**Michael Brewer, 1743 Middle Street.** Variance for side and rear setbacks. Mr. Robinson stated the applicant is asking the Board for side and rear yard setback relief from Section 21-22 (c). It states that in lots less than 105 feet the required side yard setback may be reduced by 1/3 foot for each foot by which the lot width is less than 105 feet. The actual dimension of the lot is 81 feet so they get an 8 foot reduction in the side yard setback, which brings them to 32 feet of overall side yard setback. But the ordinance also states that at no time can the side yard setback be reduced to less than 10 feet. The reduction can be taken on either side, but never less than 10 feet side yard.

On the rear, the applicant is requesting about a 6 foot rear yard setback. The ordinance requires a 25 foot rear yard setback, and there is no reduction from the Design Review Board. Poe Avenue is to the rear of the property, and there is 34 feet from the property line to the actual road pavement. Mr. Robinson stated that it appeared the applicant is also asking for rear yard setback on the garage also. Garage setbacks are 10 feet from the property line, whether it is rear or side property line. The Design Review Board can give a 40% reduction in that to bring it to six feet from the side or rear property line provided it is thirty feet from the street.

Chairman Hiers asked the applicant to present. Heather Wilson, architect, presented plans for the applicant. She stated while a house can fit on this property, the design is trying to accomplish cottage elements that are seen around the island. They want to avoid a large house in the center of the lot. They want the house to appear quite small from Middle Street, and to have more of a courtyard. They also want to preserve a 20" diameter oak tree near the structure. When asked if either neighbor had commented on the variance request, Mr. Brewer stated he told Mrs. Brown he was requesting a

variance and showed her the plans, and asked her to contact Town Hall if she had any questions. She did not express any concern to him, as long as she could keep her holly tree, and it will not be affected.

After reviewing the plan with the architect, Susan Middaugh commented that while it is a beautiful plan, the variance is for mostly a design feature, and there is not a hardship that makes the lot unbuildable. Bachman Smith asked Mr. Robinson if he had any recommendations for the Board. Mr. Robinson said it is a fabulous plan and it is fashioned after other houses on the island; however, if the Board gives a side yard setback variance, it will set a precedent for others building a house. However, the applicant has a right-of-way in the rear that is 34 feet, and it is not typical of other properties, and would not be detrimental to anyone else. Chairman Hiers stated the Board has granted some rear yard setback variances, particularly if the right-of-way is large.

In reviewing the numbers, Mr. Robinson stated there is a 32 foot overall side yard setback, no closer than 10 feet on one side. The Design Review Board can reduce the other side yard setback by 8 more feet, and bring it to 14 feet on the other side. Mr. Robinson stated one option that Mr. Brewer might consider is to ask the Tree Commission for permission to remove the oak tree, and plant other trees on his property. Also, if the Board gives a zero setback for the garage, the driveway does not meet the ordinance, and it would also need a variance. The architect stated she was not concerned about the driveway; she can make it work.

**Motion was made by Susan Middaugh, seconded by Elizabeth Tezza, to deny the request for relief from the side setback on the grounds there is no hardship and it would set a precedent across the island, and to grant the rear setback up to 8 feet, 6 inches relief on the grounds the rear is diagonally situated and there is a very deep right-of-way at the back of the lot so that relief would not encroach upon the neighbors and would not be detrimental to the neighborhood; and that the Board allow the accessory structure to be located as on the plat and grant six feet relief to the accessory building contingent upon the driveway being structured to meet the ordinance, carried unanimously.**

The Rules of Procedure will be discussed at a future meeting.

**Motion was made by Bachman Smith, seconded by Susan Middaugh, to reappointment Jimmy Hiers as Chairman for 2012, carried unanimously.**

**Motion was made by Carlin Timmons, seconded by Elizabeth Tezza, to reappointment Bachman Smith as Vice Chairman for 2012, carried unanimously.**

The Board unanimously adjourned at 8:45 p.m.

Respectfully submitted,

Ellen Miller