

April 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  
Susan Middaugh  
Elizabeth Tezza  
Carlin Timmons

Chairman Hiers called the meeting to order.

**Motion was made by Elizabeth Tezza, seconded by Carlin Timmons, to approve the February 9, 2012 minutes, carried by a vote of three, with Susan Middaugh abstaining (due to non-attendance of February meeting).**

Chairman Hiers administered the oath to the applicants and participants, and asked Zoning Official Randy Robinson to present the application.

**Barry Krell, 2713 Bayonne Street, request for rear setback variance.**

Mr. Robinson stated the applicant is requesting a setback variance from the RC-1. It is Section 21-23 D 1 A of the Zoning Code. He is asking for a 10 foot setback from the required 30 foot setback from the RC-1 line. If the applicant is granted the variance, he will remove the current concrete driveway and install a pervious surface. Mr. Robinson continued that the Board has given two previous RC-1 setback variances for a pool.

Chairman Hiers asked the applicant to present. Mr. Krell stated that the variance is needed for an in-ground pool, and that he has letters from front-beach neighbors on his block stating they have no objections to the proposed pool. There are differences in this 34-P lot because Thee Street runs in front of it. It still requires a 25 ft setback, therefore he is asking for a 15 ft or a 20 ft variance. The area between the back lot line and the conservation district is at least 50 feet, and then hundreds of feet of bushes to the beach. The pool would not be seen from the beach, from the roadway, or from the neighbors' adjoining property. By today's code, the lot is 48.39% impervious (back when built the rule was up to 50% impervious). The 14 x 35 pool is 557 square feet, and if the driveway is removed, the lot coverage would be 32.8%.

**Motion made by Elizabeth Tezza, seconded by Carlin Timmons, to grant the variance requested because there are extraordinary and exceptional conditions pertaining to this particular piece of property. Specifically, the street in front of the property - Thee Street – which actually reduces the variance requested. These conditions do not generally apply to other property in the vicinity because Thee Street does not actually go all the way through on that particular block; because**

of these conditions, the application of the ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property and the authorization of the variance will not be of substantial detriment to adjacent property or to the public good; and the character of the district would not be harmed by the granting of the variance. Further, we grant the variance on the condition that the impervious driveway be removed and replaced with pervious deck as shown in the lot coverage calculations on the survey submitted with the application, and this would result in a reduction in lot coverage of 32% from 10,907 square feet to 7,413 square feet. We also want to further note that when this house was constructed, the lot coverage requirement was 50%, not the current 30%.

Motion was made by Susan Middaugh, seconded by Carlin Timmons, to amend the motion to substitute the words "because it borders on an unused street right of way," carried unanimously.

Main motion, as amended, carried unanimously.

The final motion read: Motion made by Elizabeth Tezza, seconded by Carlin Timmons, to grant the variance requested because there are extraordinary and exceptional conditions pertaining to this particular piece of property. Specifically, because it borders on an unused street right of way, it actually reduces the variance requested. These conditions do not generally apply to other property in the vicinity because Thee Street does not actually go all the way through on that particular block; because of these conditions, the application of the ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property and the authorization of the variance will not be a substantial detriment to adjacent property or to the public good; and the character of the neighborhood would not be harmed by the granting of the variance. Further, we grant the variance on condition that the impervious driveway be removed and replaced with pervious deck as shown in the lot coverage calculations on the survey submitted with application, and this would result in a reduction in lot coverage of 32% from 10,907 square feet to 7,413 square feet. We also want to further note that when this house was constructed, the lot coverage requirement was 50%, not the current 30%.

**Stephen Herlong, 226 Station 19 Street, request to designate historic cottage as principal building.**

Chairman Hiers asked Mr. Robinson to present. Mr. Robinson stated this property is a unique property. It has three very similar size buildings on the lot. He stated Section 21-150 (F) (1): If a request to improve the property is received, the Zoning Administrator shall designate the Principal Building with the greatest livable square footage, including porches, as a conforming use and the other Principal Buildings as non-conforming. While the brick structure on Middle Street is the largest, it is not historic. The l'on Avenue structure is the most historic, as it is a landmark structure. The other structure is a traditional historic. He added that he does not think there is another lot on the island with three livable structures.

Chairman Hiers asked the applicant to present. Stephen Herlong showed a plat from 1924 that showed up to seven structures on the lot. Mr. Herlong stated the way the ordinance is written is a

hardship. The I'on cottage is the most architecturally significant and historic structure. The I'on house could stay on the current foundation, whereas the Middle Street house would have to be raised due to the 50% rule. The Middle Street house has been moved and altered.

**Motion was made by Susan Middaugh, seconded by Elizabeth Tezza, to move to approve the request to designate the I'on Avenue building as the conforming structure because there is a hardship. The hardship is that this property has three equally sized small cottages (within a few hundred square feet of each other), none of which is suitable to be a primary dwelling. It makes the most sense to designate the landmark structure which is a traditional island resource as the conforming structure in that district, so those are the extraordinary and exceptional conditions that produce the hardship. These conditions do not generally apply, as there is no other known property where the same situation exists, and so because of these conditions, to require the single biggest house (by 150 square feet) to be designated the conforming structure does not make sense in terms of the use of the property and the three houses all together. This authorization of a variance will not be of any detriment to the adjacent property; the proposed addition will be very much in keeping and respectful of the landmark structure, carried unanimously.**

The Board postponed discussion of the Rules of Procedure until the next meeting.

**Motion was made by Elizabeth Tezza, seconded by Susan Middaugh, to adjourn at 8:15 pm, carried unanimously.**

Respectfully submitted,

Ellen Miller