

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

July 9, 2018 – 2:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



MINUTES

Present: Walter Sewell (Chairman), Robert Quagliato, Ava Kleinman, John Fox, Joe Cronin (Zoning Administrator)

Absent: Bob Leggett (Vice Chairman)

Guests: David McClure, Nancy McClure, Katrina Burrell (SIPOA)

Chairman Sewell called the meeting of the Board of Zoning Appeals to order at 2:30 PM and introduced himself and members of the board to those in attendance. Zoning Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted.

APPROVAL OF MINUTES

- 1. Board of Zoning Appeals Meeting: April 25, 2018:** Mr. Quagliato made a motion to approve the minutes from the June 12, 2018, meeting of the Board of Zoning Appeals, as submitted. Ms. Kleinman seconded the motion. The motion was **APPROVED** by a vote of 4-0.

PUBLIC HEARING ITEMS

- 1. 2612 Seabrook Island Road (Tax Map # 147-01-00-014 – Lot 44, Block 9):** Chairman Sewell called on Zoning Administrator Cronin to provide a brief overview of Variance Application #156, pertaining to 2612 Seabrook Island Road.

Zoning Administrator Cronin stated that the town had received a completed variance application from David and Nancy McClure on May 25, 2018. In order to permit construction of a kitchen addition at the rear of the existing residence, the applicants sought approval of a variance to grant relief from the following setback requirements, as provided in the town's DSO:

Type	DSO Reference	DSO Requirement	Variance Requested
Rear Yard (Principal Structure)	§ 7.60.50	25 feet	22 feet

In their variance application, the Applicants stated that strict application of these provisions would result in an unnecessary hardship. The Applicants further argued:

1. There are extraordinary and exceptional conditions pertaining to the Property due to its nonconforming lot size and irregular shape, as well as subsequent changes to the DSO which would have allowed the home to be shifted 2.5 feet to the left if it were built today, thus eliminating the need for a variance;
2. These conditions do not generally apply to other property in the vicinity, as the Property is generally smaller and more irregularly shaped than typical lots in the area;
3. Because of these conditions, the application of the ordinance to the Property would effectively prohibit or unreasonably restrict the utilization of the Property; and
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance, because the proposed addition will result in no change to the existing home's exterior foundation, and the addition will be heavily screened by existing vegetation.

Before opening the floor for comments, Chairman Sewell disclosed for the record that the Board had conducted a site visit to 2612 Seabrook Island Road on June 12, 2018, at which time the Board viewed the subject property, as well as neighboring properties. He added that no testimony was received during the site visit.

Chairman Sewell then called on the applicants to provide additional information related to their variance request. Chairman Sewell administered an oath to each individual prior to their testimony.

- Mr. David McClure of 2612 Seabrook Island Road spoke in favor of the variance request. He provided an overview of the architectural renderings for the addition. He stated that he and his wife had recently purchased the property and were seeking to improve the functionality of the existing kitchen. He added that the plans would not require any significant modification or expansion to the existing foundation, and that of the 72.8 square feet proposed to be added, only 6 square feet would encroach into the rear yard setback. Mr. McClure also stated that he had spoken to neighboring property owners in advance of the meeting and provided written letters of support from four neighboring property owners.
- Ms. Nancy McClure of 2612 Seabrook Island Road also spoke in favor of the variance request, reiterating the comments made by her husband.

Chairman Sewell opened the public hearing to individuals who wished to speak in favor of the variance request. No one spoke in favor of the request.

Chairman Sewell then opened the public hearing to individuals who wished to speak against the variance request. No one spoke in opposition to the request.

Chairman Sewell asked if the town had received any written communication in favor or in opposition to the request. Zoning Administrator Cronin responded that no written communication had been received in advance of the meeting.

Chairman Sewell then called on Zoning Administrator Cronin to review the four criteria under state law which must be used by the Board when hearing and deciding variance requests.

Zoning Administrator Cronin stated that the Board has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

Chairman Sewell noted that, in granting a variance, the Board has the authority to attach such conditions as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. Referencing the staff write up contained within the agenda packet, Chairman Sewell stated that the Zoning Administrator had recommended the following conditions, should the Board vote to approve the variance request:

1. The approved variance shall apply to the building layout as shown on the site-specific plan prepared by the applicant and reviewed by the Board on July 9, 2018. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the requirements of the town's DSO, shall require subsequent review and approval by the Board of Zoning Appeals.
2. The variance shall expire on July 9, 2019 (one year from the date of Board approval) if no zoning permit has been issued by the town on or before that date.

Following a thorough review of the application, including all supporting materials received in advance of the meeting, and all testimony received during the public hearing, Chairman Sewell called for a motion.

Ms. Kleinman made the following motion, which was seconded by Mr. Quagliato:

- 1) The Board finds that strict application of the Town’s DSO would result in an unnecessary hardship;
- 2) For the reasons referenced in the Applicants’ request for variance, the Board finds that the Property meets the criteria for approval of a variance, as outlined in § 6-29-800(A)(2) of the SC Code of Laws; and
- 3) The requested variance is hereby approved, and the rear setback requirement for the Property is amended, as follows:

Type	DSO Requirement	Variance APPROVED
Rear Yard (Principal Structure)	25 feet	22 feet

There being no further discussion, Chairman Sewell called for a vote. Chairman Sewell reminded members that a “yes” vote was in favor of granting the variance, while a “no” vote was opposed to granting the variance.

IN FAVOR

Chairman Sewell
 Ms. Kleinman
 Mr. Quagliato
 Mr. Fox

OPPOSED

The motion to grant the variance was **APPROVED** by a vote of 4-0.

To protect established property values in the surrounding area, and to promote the public health, safety, and general welfare, Ms. Kleinman made a subsequent motion, seconded by Mr. Quagliato, to attach the following conditions to the variance, as allowed by § 6-29-800(A)(2)(d)(i) of the South Carolina Code of Laws:

1. The approved variance shall apply to the building layout as shown on the site-specific plan prepared by the applicant and reviewed by the Board on July 9, 2018. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the requirements of the town’s DSO, shall require subsequent review and approval by the Board of Zoning Appeals.

2. The variance shall expire on July 9, 2019 (one year from the date of Board approval) if no zoning permit has been issued by the town on or before that date.

There being no further discussion, Chairman Sewell called for a vote on the motion to add the three conditions.

IN FAVOR

Chairman Sewell
Ms. Kleinman
Mr. Quagliato
Mr. Fox

OPPOSED

The motion to attach the conditions was **APPROVED** by a vote of 4-0.

ITEMS FOR INFORMATION / DISCUSSION

There were no Items for Information / Discussion.

There being no further business, Chairman Sewell called for a motion to adjourn. Mr. Quagliato made a motion, seconded by Ms. Kleinman, to adjourn the meeting. The motion was **APPROVED** by a vote of 4-0, and the meeting was adjourned at 2:49 PM.

Minutes Approved: August 29, 2018



Joseph M. Cronin
Zoning Administrator