

PATRICK M. O'NEIL  
MAYOR

TOWN COUNCIL  
CHAUNCEY CLARK, MAYOR PRO TEM  
SARAH CHURCH  
MARK HOWARD  
RITA LANGLEY  
SUSAN MIDDLEAUGH  
BACHMAN SMITH, IV

# TOWN OF SULLIVAN'S ISLAND



ANDY BENKE  
TOWN ADMINISTRATOR

JASON BLANTON  
DEPUTY ADMINISTRATOR/COMPTROLLER

LAWRENCE A. DODDS  
TOWN ATTORNEY

GREG GRESS  
WATER AND SEWER MANAGER

JOE HENDERSON  
ZONING ADMINISTRATOR

ELLEN MILLER  
TOWN CLERK

RANDY ROBINSON  
BUILDING OFFICIAL

M. ANTHONY STITH  
FIRE CHIEF

## BOARD OF ZONING APPEALS

Thursday, April 13, 2017  
6:00 P.M. Town Hall

- A. CALL TO ORDER AND NOTIFICATION THAT FREEDOM OF INFORMATION ACT REQUIREMENTS ARE MET
- B. APPROVAL OF MINUTES FROM December 8, 2016
- C. APPLICANT AND PARTICIPANT OATH
- D. SPECIAL EXCEPTION REQUESTS
  - 1. 1730 Thompson Avenue: Rachel Burton, of Swallowtail Architects, requests approval of the accessory dwelling unit Special Exception in accordance with Z.O. §21-20 C. (2), Z.O. §21-140, and Z.O. §21-178. (TMS# 523-08-00-073)
- E. VARIANCE REQUESTS
  - 1. 2928 Jasper Boulevard: Beau Clowney Architects, applicants, request approval of a dimensional variance for the required RC-2 and DHEC-OCRM critical line setback as stated in Z.O. §21-23 (1) A and B. (TMS# 529-08-00-044)
- F. ADMINISTRATIVE APPEALS
  - 1. 2880 Marshall Boulevard: Mary Decker Mulbry, applicant, requests an appeal of the zoning administrator's interpretation of Z.O. §21-123 B., pertaining to the suspension, revocation, abandonment of a legal nonconforming vacation rental use. (TMS# 529-11-00-084)
- G. ITEMS FOR CONSIDERATION
- H. PUBLIC INPUT
- I. ADJOURN

Town of Sullivan's Island  
NOTICE OF APPEAL-FORM 1  
BOARD OF ZONING APPEALS

received  
March 10, 2017

Date Filed: 3.10.17 Permit Application No. \_\_\_\_\_ Appeal No. \_\_\_\_\_

This form must be completed on a hearing on appeal from action of a zoning official, application for a variance, or application for special exception. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [indicate one]:

- From action of a zoning official as stated on attached Form 2
- For a variance as stated on attached Form 3
- For a special exception as stated on attached Form 4

APPLICANT [print] Beau Clowney Architects

MAILING ADDRESS: 1 King Street, Suite 102, Charleston, SC 29401

Telephone 843.722.2040 [work] \_\_\_\_\_ [home] \_\_\_\_\_

Interest: Architect Owner(s): Dorothy Gunter LeLand Adjacent Owner(s) Other \_\_\_\_\_

[Use reverse side if more space is needed]

PROPERTY ADDRESS: 2928 Jasper Blvd.

Lot 235-C Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Tax Map No. 529.08.00.044 Plat Book N-18 & PD-76 Page \_\_\_\_\_

Lot Dimesions: @ 93' avg. x @ 169' Area: 25,418 SF / 20,451 SF

DESIGNATION OF AGENT [complete only if owner is not applicant]: I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: March 10, 2017

Dorothy Gunter LeLand  
Owner Signature(s)

I (we) certify that the information in this application and the attached Form 2,3, or 4 is correct.

Date: 3.10.17

Kate Campbell  
Applicant Signature(s)

**Town of Sullivan's Island  
Variance Application – Form 3  
Board of Zoning Appeals**

Date Filed: 3.10.17 Permit No.: \_\_\_\_\_ Appeal No.: \_\_\_\_\_

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provisions of the Zoning Ordinance:

Section 21-23 E (1) (a) & (b) <sup>on Eastside of property</sup>  
so that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows: Reduction of RC-2 (critical line) setback from 30'-0" to 24'-6" at main house structure & from 30'-0" to 18'-6" at 1-story porch steps for a length of 16'-1"  
for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts.

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: see attached
- b. These conditions do not generally apply to other property in the vicinity as shown by: see attached
- c. 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 as follows: see attached
- d. 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 will not be harmed by the granting of the variance for the following reasons: see attached

3. The following documents are submitted in support of the application: Current survey of 2928 Jasper Blvd., Proposed South

AD.1 Overall site plan showing adj. properties, AD.2 Enlarged site plan, and East. Elevations. A plot plan must be submitted].

Date: 3.10.17

Kate [Signature]  
Applicant's Signature

*Item 2*

- a. *There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:*
  1. The RC-2 boundary line (OCRM Critical Line) is further landward on the lot than the property line. This condition occurs at three out of the four property lines that define the buildable area of the lot, resulting in a much more restricted buildable area than is typical for a lot this size.
  2. There currently exist concrete slab structures at grade that encroach into the RC-2 required setback area. A previous house was located on the property before Hurricane Hugo, and, along with the remaining concrete slab structures, occurred well within the RC-2 required setback area.
  3. On the East side of the property, the RC-2 boundary line is fairly close to the property line. If this boundary line were further marshward at the main buildable area of the lot, we would not have to request this variance, as the side setback from the property line would be a minimum of 10 feet.
  4. The total buildable area of the property lies further towards Conch Creek than any other dwelling on the block.
- b. *These conditions do not generally apply to other property in the vicinity as shown by:*
  1. The OCRM critical line encroachment into the property that determines the RC-2 boundary line is more substantial than any other property in the vicinity as it occurs at three out of the four property lines that define the buildable area of the lot.
  2. Other properties in the vicinity have less number of property lines where RC-2 boundary line encroaches and therefore have much larger buildable areas.
- c. *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 as follows:*
  1. The required 30' setback from the RC-2 boundary line unreasonable restricts the buildable area of this lot significantly due to the fact that three out of the four property lines that define the buildable area of the lot have encroachment by this boundary line. Including specifically the East side property line where the variance is being requested, which would have a minimum setback of 10 feet if the RC-2 boundary line were further marshward.
  2. With regard to Section 21-23(E)(1.b), this requirement would effectively prohibit any construction of a structure on this property.
- d. *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 will not be harmed by the granting of the variance for the following reasons:*
  1. The proposed variances to the setback from the RC-2 boundary line on this lot occur only on the East side, the same side as the property access from Jasper Blvd. The required RC-2 setback along the West and North side of the property has been maintained. The furthest encroachment into the RC-2 setback has been limited to a small 1-story open porch to lessen the impact of the furthest encroachment. The main structure encroachment is very minimal considering the location of previous structures on the property prior to Hurricane Hugo. The property is a peninsula and extends beyond any adjacent neighbors, although maintaining the RC-2 setback on the Western side will preserve the buildable area allowed by zoning adjacent to the closest neighboring houses.

TOWN COUNCIL  
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SARAH CHURCH  
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JASON BLANLUM  
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RANDY ROBINSON  
BUILDING OFFICIAL

M. ANTHONY STITH  
FIRE CHIEF

## BOARD OF ZONING APPEALS

IN ACCORDANCE WITH ZONING ORDINANCE SECTION 21-175,

I Kate Campbell HAVE SUBMITTED A COMPLETED BOARD OF ZONING

APPEALS APPLICATION, FOR THE MEETING DATE OF April 13, 2017, WHICH WILL BE HELD AT

SULLIVAN'S ISLAND TOWN HALL LOCATED AT 2050-B MIDDLE STREET, SULLIVAN'S ISLAND, SOUTH CAROLINA.

ADDITIONALLY, I UNDERSTAND THAT THE BOARD MAY POSTPONE OR PROCEED TO DISPOSE OF A MATTER ON THE RECORD BEFORE IT IN THE ABSENCE OF AN APPEARANCE ON BEHALF OF AN APPLICANT.

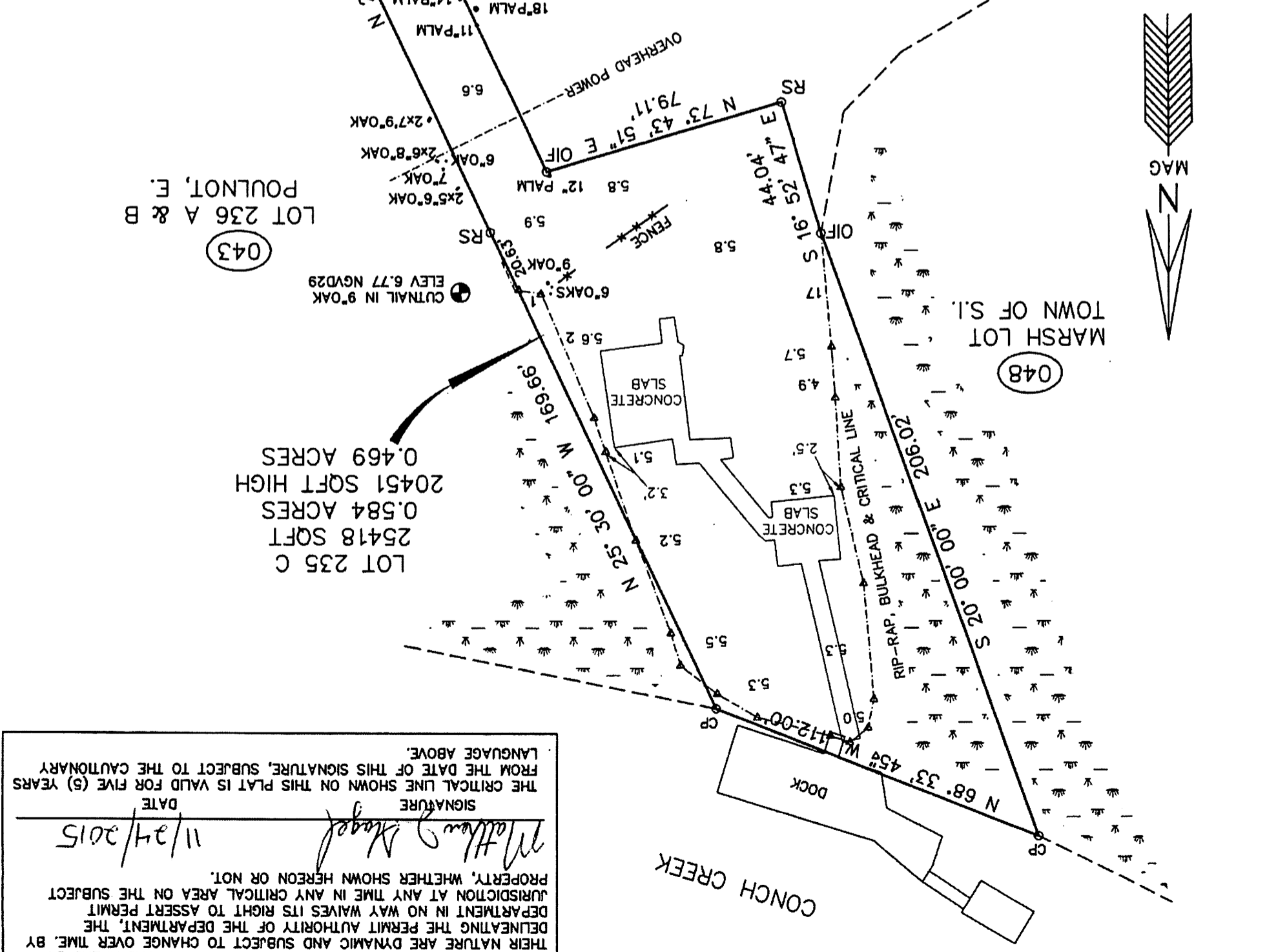
Kate Campbell  
APPLICANT SIGNATURE  
DATE 3.10.17

DESCRIPTIVE PURPOSES ONLY.

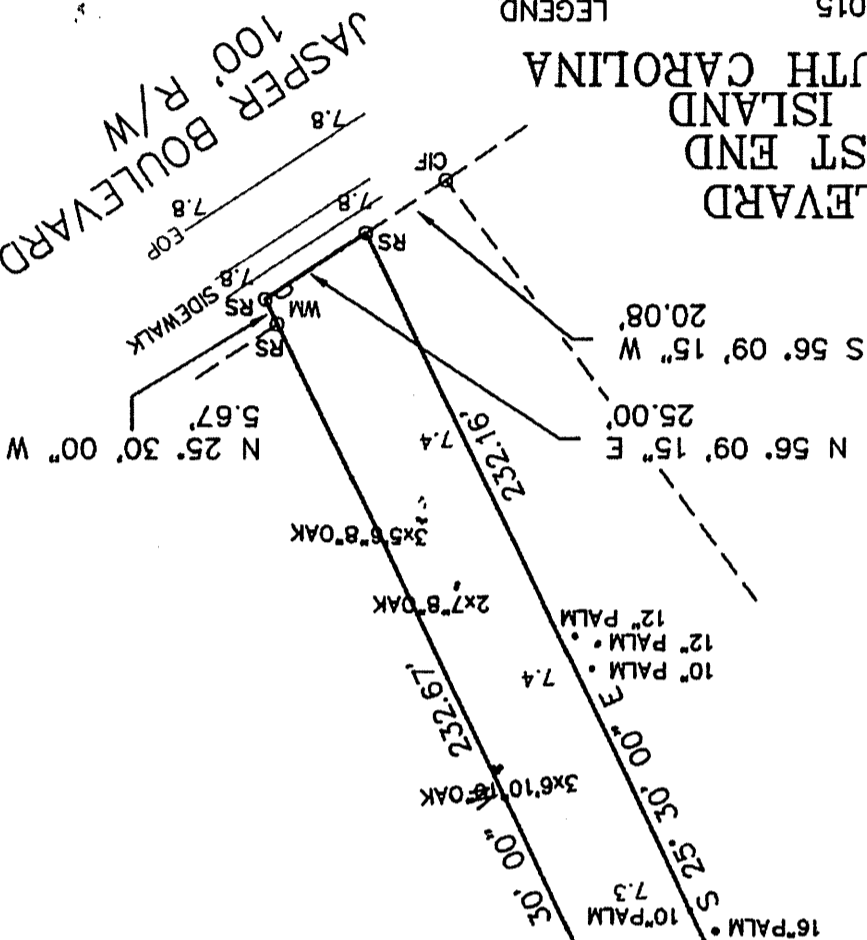
THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

SIGNATURE: *Matthew J. King*  
 DATE: 11/24/2015

FROM THE DATE OF THIS SIGNATURE, SUBJECT TO THE CAUTIONARY LANGUAGE ABOVE.



LINE CHART	BEARING	DIST
1	N 82.25° W	7.69
2	N 23.06° W	43.62
3	N 18.55° W	11.68
4	N 19.05° W	29.79
5	N 20.46° W	32.00
6	N 16.52° W	10.81
7	N 52.51° W	14.99
8	N 59.42° W	15.11
9	N 75.52° W	24.25
10	N 71.59° W	6.64
11	S 52.21° W	7.40
12	S 11.05° W	9.55
13	S 05.13° E	37.37
14	S 13.20° E	31.77
15	S 03.39° E	28.75
16	S 04.15° E	16.50
17	S 05.14° E	36.47

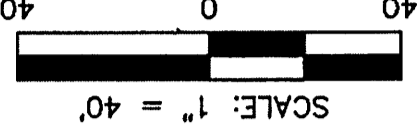


JOHN E. WADE JR., R.L.S.  
 SOUTH CAROLINA REG. NO. 13171

DATE: NOVEMBER 17, 2004  
 FIRM PANEL 45019C-0539-1  
 FLOOD ZONE AE ELEV 13  
 SUBJECT PROPERTY LOCATED IN

JOHN E. WADE JR., R.L.S.  
 SOUTH CAROLINA 29451  
 ISLE OF PALMS  
 POST OFFICE BOX 686  
 (843) 886-6262  
 FILE #267-06

1" hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown.



SCALE: 1" = 40'



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 All rights reserved. No part of this document may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the written consent of the architect is prohibited.

**3010 JASPER BLVD.**  
 TMS NO. 529-08-00-030  
 CULLER, GAILE  
 SURVEY INFO OBTAINED FROM TOWN RECORDS  
 PLAT BY HERBERT A. NIEMER, DATED 03.28.92

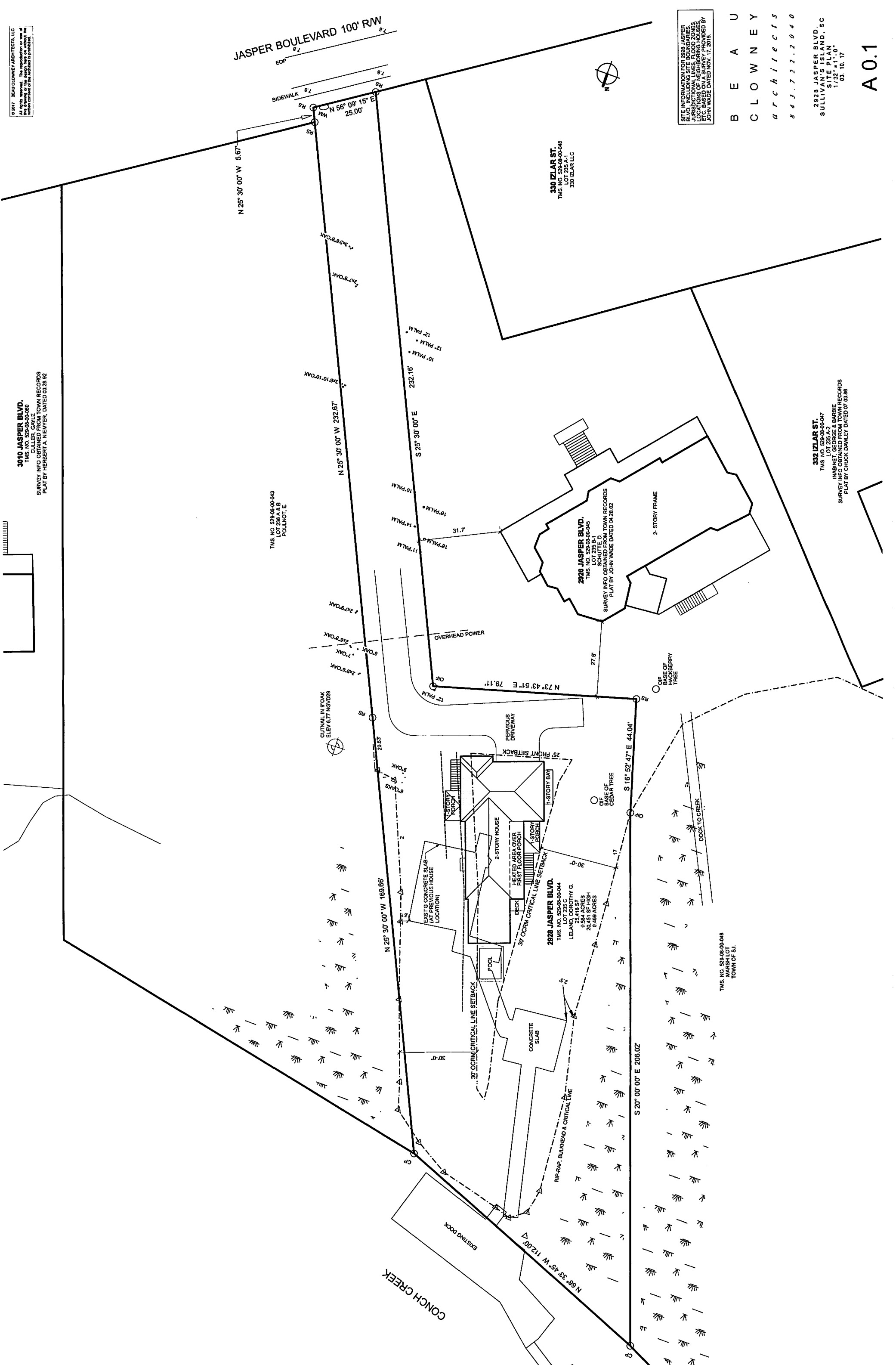
**JASPER BOULEVARD 100' RW**

SITE INFORMATION FOR 2928 JASPER BLVD.  
 THIS SURVEY SHOWS THE PROPOSED PLACEMENT OF FLOOD ZONES, JURISDICTIONAL LINES, FLOOD ZONES, LOCATIONS OF NEIGHBORING HOUSES, ETC. BASED ON A SURVEY PROVIDED BY JOHN WADE DATED NOV. 17, 2016.

**B E A U  
 C L O W N E Y  
 a r c h i t e c t s**  
 8 4 3 . 7 2 2 . 2 0 4 0

2928 JASPER BLVD.  
 SULLIVAN'S ISLAND, SC  
 SITE PLAN  
 1/32" = 1'-0"  
 03.10.17

**A0.1**



TMS NO. 529-08-00-043  
 LOT 236 A & B  
 PULLNOT, E

**330 IZLAR ST.**  
 TMS NO. 529-08-00-048  
 LOT 235 A-1  
 330 IZLAR LLC

**2928 JASPER BLVD.**  
 TMS NO. 529-08-00-045  
 LOT 235 C  
 SCHAFER, D  
 SURVEY INFO OBTAINED FROM TOWN RECORDS  
 PLAT BY JOHN WADE DATED 04.28.02

**2928 JASPER BLVD.**  
 TMS NO. 529-08-00-044  
 LOT 235 C  
 LELAND, G  
 0.584 ACRES  
 20,451 SF HIGH  
 0.489 ACRES

**332 IZLAR ST.**  
 TMS NO. 529-08-00-047  
 LOT 235 A-2  
 INGRAM, GEORGE & BARBIE  
 SURVEY INFO OBTAINED FROM TOWN RECORDS  
 PLAT BY CHUCK DAWLEY DATED 07.03.98

TMS NO. 529-08-00-048  
 MARSH LOT  
 TOWN OF SI.

CONCH CREEK

EXISTING DOCK

CONCRETE SLAB

POOL

2-STORY HOUSE

2-STORY FRAME

2-STORY HOUSE

2-STORY FRAME

2-STORY HOUSE

2-STORY FRAME

2-STORY HOUSE

2-STORY FRAME

2-STORY HOUSE

2-STORY FRAME

2-STORY HOUSE

2-STORY FRAME

2-STORY HOUSE

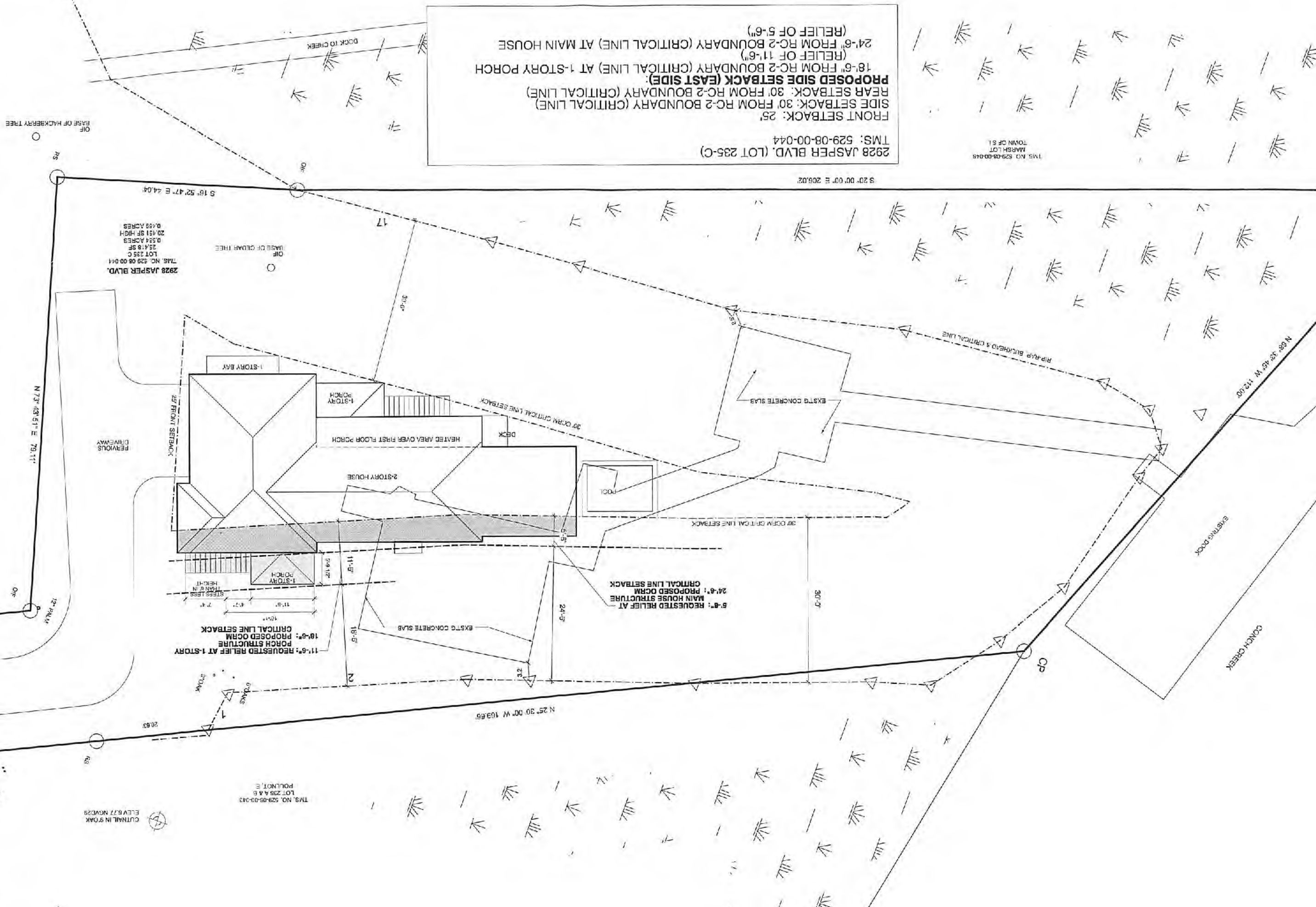
2-STORY FRAME

2-STORY HOUSE

2926 JASPER BLVD.  
TMS. NO. 529-08-00-045  
LOT 235 B-1  
SCHUTTE D.  
2928 JASPER BLVD.  
TMS. NO. 529-08-00-044  
LOT 235 C  
25,418 SF  
0.524 ACRES  
20,151 SF HIGH  
0.458 ACRES  
2928 JASPER BLVD.  
TMS. NO. 529-08-00-044  
LOT 235 C  
25,418 SF  
0.524 ACRES  
20,151 SF HIGH  
0.458 ACRES

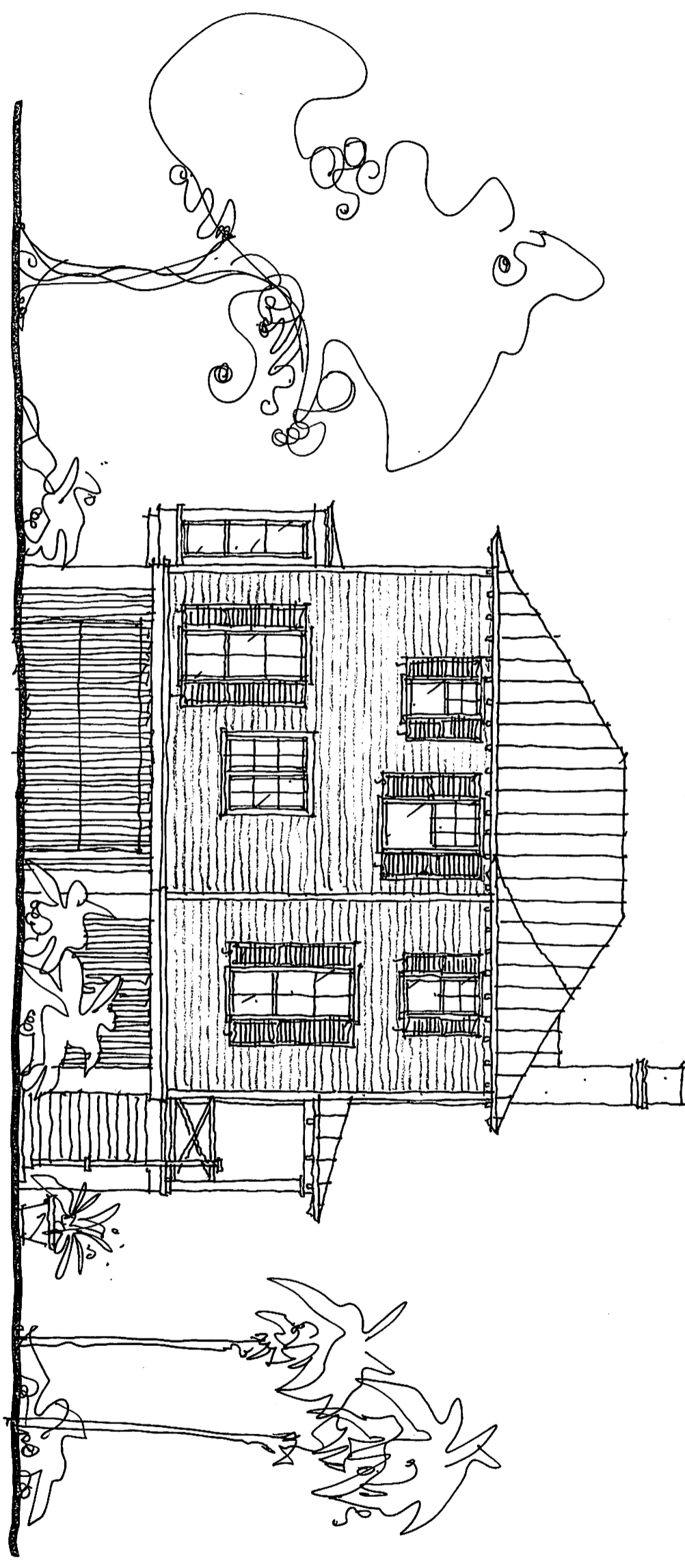
2926 JASPER BLVD.  
TMS. NO. 529-08-00-045  
LOT 235 B-1  
SCHUTTE D.  
2928 JASPER BLVD.  
TMS. NO. 529-08-00-044  
LOT 235 C  
25,418 SF  
0.524 ACRES  
20,151 SF HIGH  
0.458 ACRES

5017 BALL CLOONEY ARCHITECTS LLC  
ALL RIGHTS RESERVED. THE INFORMATION IS FOR THE USE OF THE CLIENT ONLY.  
NO PART OF THIS PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM THE ARCHITECT.



TMS. NO. 529-08-00-048  
MARSH LOT  
TOWN OF S.I.

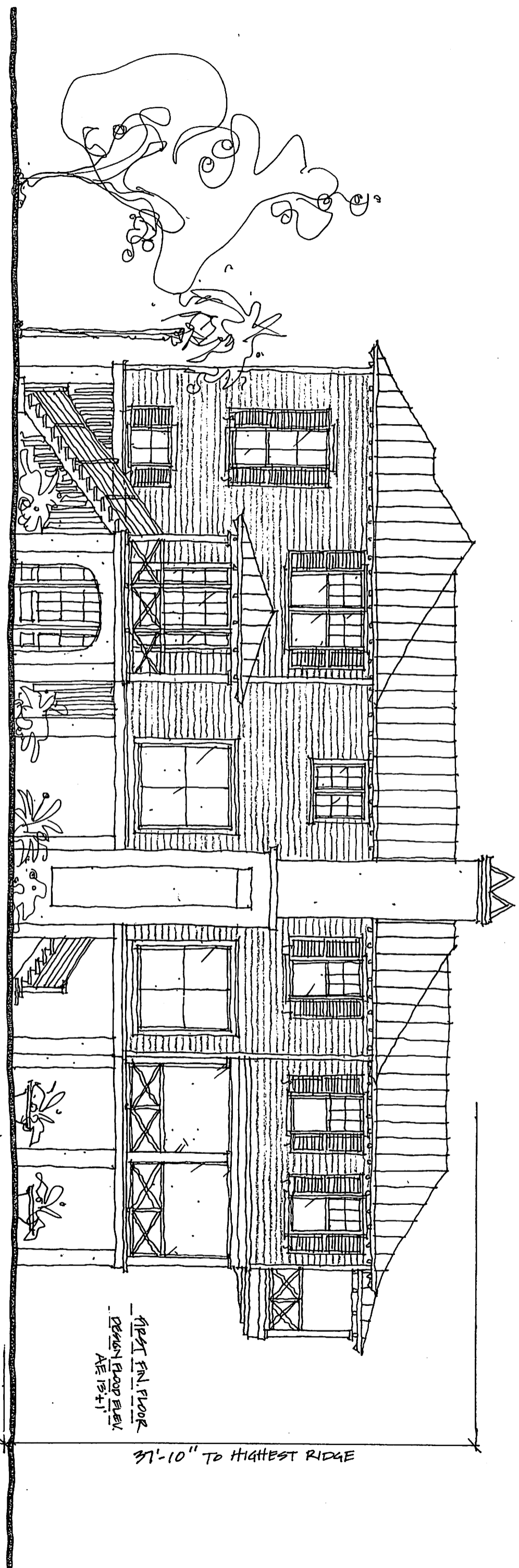




South Elevation.

□

East Elevation.



**Town of Sullivan's Island  
NOTICE OF APPEAL-FORM 1  
BOARD OF ZONING APPEALS**

Date Filed: March 3, 2017 Permit Application No. \_\_\_\_\_ Appeal No. \_\_\_\_\_

This form must be completed on a hearing on appeal from action of a zoning official, application for a variance, or application for special exception. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

**THE APPLICANT HEREBY APPEALS [indicate one]:**

- From action of a zoning official as stated on attached Form 2
- For a variance as stated on attached Form 3
- For a special exception as stated on attached Form 4

APPLICANT: [print] Ross Appel, Esq. (McCullough Khan, LLC)

MAILING ADDRESS: 359 King St., Suite 200, Charleston, SC 29401

Telephone 843-937-9798 [work] \_\_\_\_\_ [home] \_\_\_\_\_

Interest: Attorney for Property Owner Owner(s): Dr. Mary Decker Mulbry Adjacent Owner(s) Other Rosalyn Barkowitz  
2872 Marshall

[Use reverse side if more space is needed]

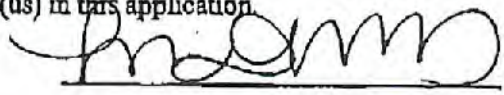
PROPERTY ADDRESS: 2880 Marshall Blvd., Sullivan's Island, SC 29482

Lot 6 Block 2 Subdivision Marshall Reservation

Tax Map No. 529-11-00-084 Plat Book H Page 90

Lot Dimesions: see above plat Area: see above plat

DESIGNATION OF AGENT [complete only if owner is not applicant]: I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

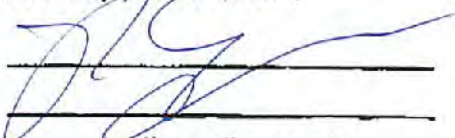


Date: March 3, 2017

Owner Signature(s)

I (we) certify that the information in this application and the attached Form 2,3, or 4 is correct.

Date: March 3, 2017



Applicant Signature(s)



**TOWN OF SULLIVAN'S ISLAND**  
**Appeal from Action of Zoning Official – Form 2**  
**Board of Zoning Appeals**

Date Filed March 3, 2017 Permit Application No. \_\_\_\_\_ Appeal No. \_\_\_\_\_

1. Applicant hereby appeals to the Board of Zoning Appeals from the action of the Zoning Official affecting the property described in the Notice of Appeal [Form 1] on the grounds that:

       granting   X   denial of an application for a permit to continue lawful vacation rental use was erroneous and contrary to provisions of the zoning ordinance in Section; or other action or decision of the Zoning Official was erroneous as follows:

Respectfully, the zoning administrator committed one or more errors of law and/or fact in his interpretation and application of the town's vacation rental ordinance (Sec. 21-117, et seq.). Specifically, the zoning administrator's Interpretation of Sec. 21-123(B) was erroneous because the Applicants' lawful vacation rental use was not abandoned due to the Applicants' unintentional failure to pay the vacation rental license fee since 2013.

2. Applicant is aggrieved by the action or decision in that:

The zoning administrator's erroneous decision, if left intact, would cause Applicants to lose their lawful vacation rental use status (due to an easily correctable misunderstanding), thereby causing them to forgo considerable

short term rental income in the future.

3. Applicant contends that the correct interpretation of the zoning ordinance as applied to the property is :

Among other things, the town's vacation rental ordinance does not expressly specify (1) when the vacation rental license fee must be paid, or (2) that failure to pay the vacation rental license fee constitutes abandonment. The

Applicant reserves the right to assert other legal and factual arguments at the BZA hearing.

4. Applicant requests the following relief:

Applicants are not seeking to avoid their obligation to pay the vacation rental license fees. The Applicants are

happy to pay their fees since 2013 plus reasonable fees and penalties in order to bring their lawful vacation rental

use into good standing with the town.

Date: March 3, 2017

  
\_\_\_\_\_  
Applicant's Signature

PATRICK M. O'NEIL  
MAYOR

# TOWN OF SULLIVAN'S ISLAND

ANDY BENKE  
TOWN ADMINISTRATOR

TOWN COUNCIL  
CHAUNCEY CLARK, MAYOR PRO TEM  
SARAH CHURCH  
MARK HOWARD  
RITA LANGLEY  
SUSAN MIDDLEAUGH  
BACHMAN SMITH, IV



JASON BLANTON  
DEPUTY ADMINISTRATOR/COMPTROLLER

LAWRENCE A. DODDS  
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JOE HENDERSON  
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DANIEL S. HOWARD  
CHIEF OF POLICE

ELLEN MILLER  
TOWN CLERK

RANDY ROBINSON  
BUILDING OFFICIAL

M. ANTHONY STITH  
FIRE CHIEF

## BOARD OF ZONING APPEALS

IN ACCORDANCE WITH ZONING ORDINANCE SECTION 21-175,

I Boss Appel, Esq. HAVE SUBMITTED A COMPLETED BOARD OF ZONING  
APPEALS APPLICATION, FOR THE MEETING DATE OF April 13, 2017, WHICH WILL BE HELD AT  
SULLIVAN'S ISLAND TOWN HALL LOCATED AT 2050-B MIDDLE STREET, SULLIVAN'S ISLAND, SOUTH CAROLINA.

ADDITIONALLY, I UNDERSTAND THAT THE BOARD MAY POSTPONE OR PROCEED TO DISPOSE OF A MATTER ON THE  
RECORD BEFORE IT IN THE ABSENCE OF AN APPEARANCE ON BEHALF OF AN APPLICANT.

  
\_\_\_\_\_  
APPLICANT SIGNATURE

3-3-17  
\_\_\_\_\_  
DATE





received  
3/2/17 J.A.

Ross A. Appel  
Direct: (843) 937-9798  
Fax: (843) 937-0706  
ross@mklawsc.com

March 3, 2017

**VIA HAND DELIVERY AND E-MAIL**

Courtney Liles, Acting Town Clerk  
2050-B Middle Street  
Sullivan's Island, SC 29482  
[cliles@sullivansisland-sc.com](mailto:cliles@sullivansisland-sc.com)

**Re: Appeal from Decision of Zoning Administrator**

Dear Ms. Liles:

I hope you are doing well. My firm represents Dr. Mary Decker Mulbry, the owner of 2880 Sullivan's Island, SC 29482 (the "Property"). We are appealing the Town of Sullivan's Island's zoning administrator's decision deny the Property's continuation as a lawful vacation rental under Section 21-117, et seq.

Enclosed, please find our Notice of Appeal (Form 1), Appeal from Action of Zoning Official (Form 2), and other documentation relevant to this appeal. My understanding is that this appeal will be heard at the April 13, 2017 meeting of the Board of Zoning Appeals. I would appreciate your confirming receipt of this appeal as well as confirmation of the above hearing date.

My client wishes to resolve this matter with the Town of Sullivan's Island without the need for litigation. Specifically, my client stands ready, willing, and able to pay any back years' vacation rental license fees with penalties.

If you have any questions, please do not hesitate to contact me.

With kind regards,

Ross A. Appel

Enclosure – as stated above.

Cc: Joe Henderson (via e-mail only)  
[jhenderson@sullivansisland-sc.com](mailto:jhenderson@sullivansisland-sc.com)