

May 9, 2013

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: Susan Middaugh, Chair
Summer Eudy
Ward Lasso
Susan Romaine
Elizabeth Tezza
Carlin Timmons

Chair Middaugh called the meeting to order and stated all Freedom of Information Act requirements had been met. Chair Middaugh administered the oath to the applicants and participants. She noted that the appointment of a new Chair will be on the June agenda, as she will be unable to serve on the Board since being elected to Council as of June 18, 2013.

Motion was made by Susan Romaine, seconded by Ward Lasso, to approve the Minutes from the April 11, 2013 meeting, carried unanimously.

Andrea and James Hawk, 1411 Middle Street. Appeal Zoning Administrator's denial to occupy home while constructing new home.

Chair Middaugh asked Building Official Randy Robinson to present. Mr. Robinson stated the applicant would like to live in the house on the Middle Street side of the property while a new house is constructed on the Poe Avenue side of the lot. The Board granted this situation one time previously with the owner securing a \$100,000 performance bond. He added that the owners are aware there will be a time they cannot occupy either house in order for the water and sewer to be connected. Mr. Hawk stated they would have no problem with a performance bond. There was no public comment. The Board had no issues allowing this with a performance bond; Carlin Timmons recused herself from discussion and the vote.

Motion was made by Elizabeth Tezza, seconded by Susan Romaine, to overturn the decision of the Zoning Official and will grant the occupancy of the current home while building a new home with a performance bond of \$100,000 payable to the Town, carried by a vote of 5.

Town of Sullivan's Island, Lot 82-1/2 and Lot 83-1/2 Raven Drive. Variances for setbacks and erosion control structures.

Chair Middaugh asked Mr. Robinson to present. Mr. Robinson stated he was representing the Town, as it owns the properties. He showed the lots as originally platted in 1984 (Attachment 1 as submitted with the application), and stated the high ground critical line has moved landward. The Town is interested in selling the lots, and the recent survey shows the irregular critical line. Currently,

the buildable area on Lot 82-1/2 is approximately 240 sq ft and Lot 83-1/2 is approximately 690 sq ft. (Attachment 2 as submitted with the application). Without the variance Lot 82-1/2 could not meet the minimum size house requirement on Sullivan's Island, and the 690 sq ft building area of Lot 83-1/2 could meet it only if it was a two-story house. Lot 82-1/2 is 7297 sq ft of highland (with no setbacks a house of 3288 sq ft could be built) and Lot 83-1/2 is 8648 sq ft of highland (with no setbacks a house of 3456 sq ft could be built), as shown on Attachment 3 submitted with application. These figures do not include decks and porches. Mr. Robinson met with Design Review Board member Steve Herlong to develop a reasonable buildable footprint. Their decision was a 15' setback from the critical line, and a 15' setback from the street. On Attachment 4 as submitted with application, the hashed area on the footprint could only be a one-story element. It would allow the neighbors behind them to see over that area of the house and it would reduce the impact on the street. Rather than put the lots on the market to sell and then have owners try to configure a buildable area, or potential clients buying contingent upon getting a variance, the Town is setting the parameters. There will not be any question of the buildable area, and it protects the marsh, the neighbors, and the owner. Mr. Robinson then reviewed the variances and restrictions the Town is requesting for the lots (Attachment 5 as submitted with application).

Chair Middaugh opened the meeting to public comment.

Kelly Heath, 2618 Goldbug, stated her property is in front of Lot 82-1/2. Ms. Heath was concerned if there was a guarantee that the critical line will stay as it is now. Mr. Robinson stated it is not guaranteed, but the Board could state these lots are only buildable as per their motion. Elizabeth Tezza stated the Board could ensure that the lots are only buildable the way it grants the variance in order to indicate the Board does not want any larger house to be built on these lots.

Rusty Kendall stated he just purchased 2624 Goldbug. Mr. Kendall asked how the lots can suddenly be for sale and a house can be built on them, and they were not buildable under the Town's current requirements.

Chair Middaugh stated that under State law, a person has the right to try to get a variance if they can establish a hardship, and there are four tests to meet for a hardship. If the four tests appear to be met and the Board does not grant the variance, which the Board does not have to do, the applicant could appeal this Board's decision to Circuit Court. In the past there was a case of a lot that would be buildable only with reasonable variances. The variance request was denied by the Board of Zoning Appeals. The decision was appealed and overruled by the State Supreme Court. That Court said it is a buildable lot; the owner was being denied use of that property, if with reasonable variances a house could be built.

Susan Romaine stated although she understands the principle of seawalls, she does not like them and wants the least amount of impact on the marsh. Elizabeth Tezza stated the variance is a deed restriction. The request is thorough in calculating setbacks; she agreed with the retaining wall as protection for the marsh, and agreed with limiting the future building as well. Ward Lassoe stated that the Town has made a good faith effort on balance, and Carlin Timmons agreed. Susan Middaugh stated she was concerned about the retaining wall, but the motion could be worded appropriately regarding the wall.

Mr. Robinson added that another narrow lot similar to this was previously granted a variance, and it was used as a reference. The 15' setback variance established for these two Raven Drive lots was not arbitrary, as it was used in the previous variance at 1502 Thompson Avenue. The owner of 1502

Thompson was allowed to go 5 feet from the rear property line; the critical line was beyond the property line, so it was about 15' from the critical line; and then they were allowed to go 15' from the street. A variance also was granted to an owner of Lot 81-1/2 Raven Drive in January for the critical line down the side of the property.

Mr. Robinson stated he was concerned about the power lines. He contacted SCE&G about placing the power lines underground; however, that may not be possible until an owner actually requests power.

Motion was made by Elizabeth Tezza, seconded by Carlin Timmons, to grant a variance request with restrictions for 2618 Raven Drive and 2624 Raven Drive. There are extraordinary and exceptional conditions pertaining to these two pieces of property; these conditions do not generally apply to other property in the vicinity; 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 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. Specifically, the variance requests and restrictions for the two lots are as follows:

- Variance for 15 foot street side setback. The area street side of the 25 foot setback is to be a one story zone above base flood elevation only.
- Variance for critical setback line will be 15 feet but only to include the footprint as proposed on site plan provided by the Zoning Administrator.
- West side setback of both lots will be a minimum of 30 feet.
- East side setback of both lots is limited to 15 feet.
- The restrictions include the Design Review Board will not be allowed to reduce side yard setbacks as provided for in Section 21-22(c). In addition, the Design Review Board will not be allowed to increase the square footage of the structures as allowed in Section 21-27(c). Specifically, the principal building square footage for Lot 82-1/2 is limited to 2,630 square feet, and the principal building square footage for Lot 83-1/2 is limited to 2,765 square feet.
- Additional restrictions shall be that a third story will not be allowed as provided for in Section 21-28.
- Purchaser of property will be required to build an 18 inch retaining wall from existing grade along the critical line in order to protect the marsh.
- No parking will be allowed forward or street side of the principal building front façade.
- No accessory structures taller than 4-1/2 feet may be constructed within the 30 foot west side setback, and the 15 foot east side setback, and this will include installed landscaping.

Motion carried by a vote of 6-0.

There being no further business to come before the Board, the meeting was adjourned at 7:35 pm.

Respectfully submitted,

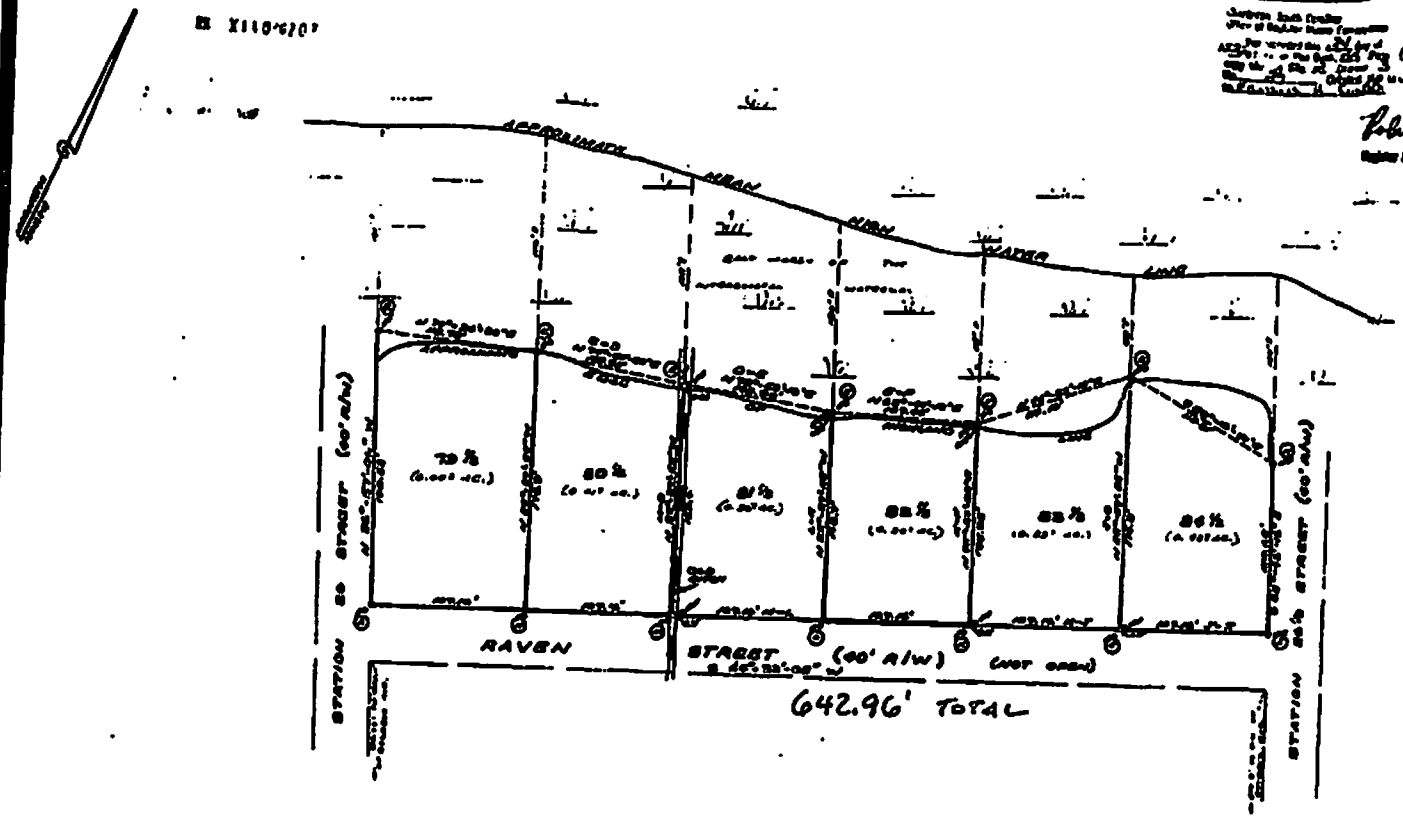
A handwritten signature in blue ink, appearing to read "Ellen Miller", is written over the typed name.

Ellen Miller

BB 1110-2707

Survey and Plan
Plan of Public Water System
As per records of the
Town of Sullivan Island, South Carolina
dated 12/15/1904

Robt. J. King
Registered Professional Engineer



PLAT

SHOWING LOTS 70 1/2, 20 1/2, 20 1/2, SITUATED AS SHOWN
IN THE TOWNSHIP OF SULLIVAN ISLAND, CHARLESTON
COUNTY, SOUTH CAROLINA, SURVEYED AT THE REQUEST
OF THE TOWNSHIP OF SULLIVAN ISLAND.

SCALE: 1" = 20'

NO. 1, 1904

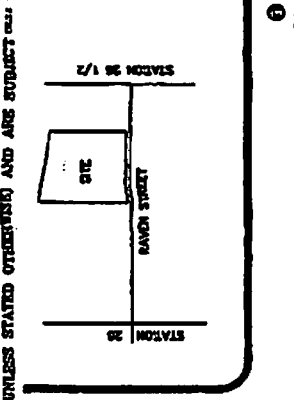
PLAT OFFICER
TOWN OF SULLIVAN ISLAND
WATER PROTECT. *W. J. King, Jr.*
DATE: Sept. 18/1904

Robt. J. King
REGISTERED PROFESSIONAL ENGINEER

BB-166
1984

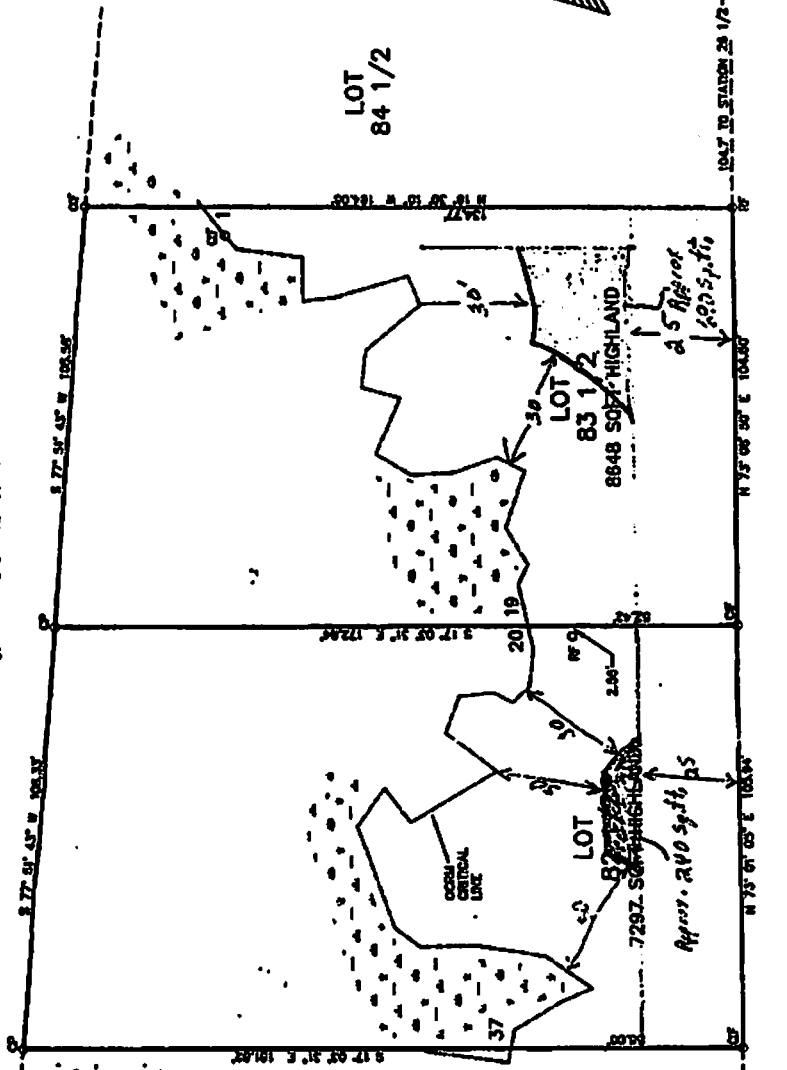
TO LOCAL ATTRACTION. ANYTHING SHOWN OUTSIDE THE PRESCRIBED BOUNDARIES OR THIS SURVEY IS FOR DESCRIPTIVE PURPOSES ONLY

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CRITICAL LINE CHART

LINE NO.	BEARING	DIST.	BEARING	DIST.
1	N 75° 00' 00" E	104.00	S 77° 51' 45" W	105.50
2	N 75° 00' 00" E	104.00	S 77° 51' 45" W	105.50
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RAVEN STREET 40' R/W (UNOPENED)

LOT 81 1/2

LEGEND:
 OIF 1" OPEN IRON FOUND
 CIF 1" CRIMP IRON FOUND
 RF #5 REBAR FOUND

NOTES:
 1) THIS 9 3/29-08-00-117 & 118
 2) OWNED BY THE TOWN OF S.I.
 3) REFERENCE PLAT BOOK AE-127
 4) FLOOD ZONE AE ELEV 13
 FIRM 45019C-0539-J
 (11-17-2004)

ATTACHMENT 2

SCALE: 1" = 30' DATE: FEBRUARY 1, 2012



JOHN E. WADE JR., RLS
 PO BOX 888
 ISLE OF PALMS
 SOUTH CAROLINA
 29451
 (843) 888-8282
 FILE #021-12

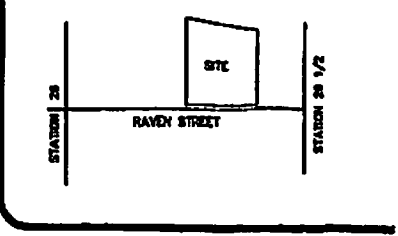
CRITICAL LINE DELINEATION
 LOTS 82 1/2 & 83 1/2
 LOCATED ON
 SULLIVANS ISLAND
 CHARLESTON COUNTY
 SOUTH CAROLINA



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MEDIUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREON.

John E. Wade Jr.
 JOHN E. WADE JR., R.L.S.
 S.C. REG. NO. 13171

THIS SURVEY IS BASED ON THE REFERENCES SHOWN AND DOES NOT CONSTITUTE A TITLE SEARCH. THE BEARINGS SHOWN ARE MAGNETIC (UNLESS STATED OTHERWISE) AND ARE SUBJECT TO LOCAL ATTRACTION. ANYTHING SHOWN OUTSIDE THE PRESCRIBED BOUNDARIES ON THIS SURVEY IS FOR DESCRIPTIVE PURPOSES ONLY.



CRITICAL LINE CHART

LINE	BEARING	DIST	ENCLOSURE
1	S 77° 51' 43" W 100.35'	100.35'
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THE AREA SHOWN ON THIS PLAN IS A RECONSTRUCTION OF RECORDS. IT IS NOT A FIELD SURVEY. THE BOUNDARIES SHOWN ARE BASED ON THE RECORDS AND ARE SUBJECT TO CHANGE. THE SURVEYOR HAS REVIEWED THE RECORDS AND HAS FOUND THEM TO BE CORRECT. THE SURVEYOR HAS NOT CONDUCTED A FIELD SURVEY OF THIS AREA.

JOHN E. WADE JR., R.L.S.
 PO BOX 698
 TIDE OF PALMS
 SOUTH CAROLINA
 29461
 (843) 888-6282
 FILE #021-12

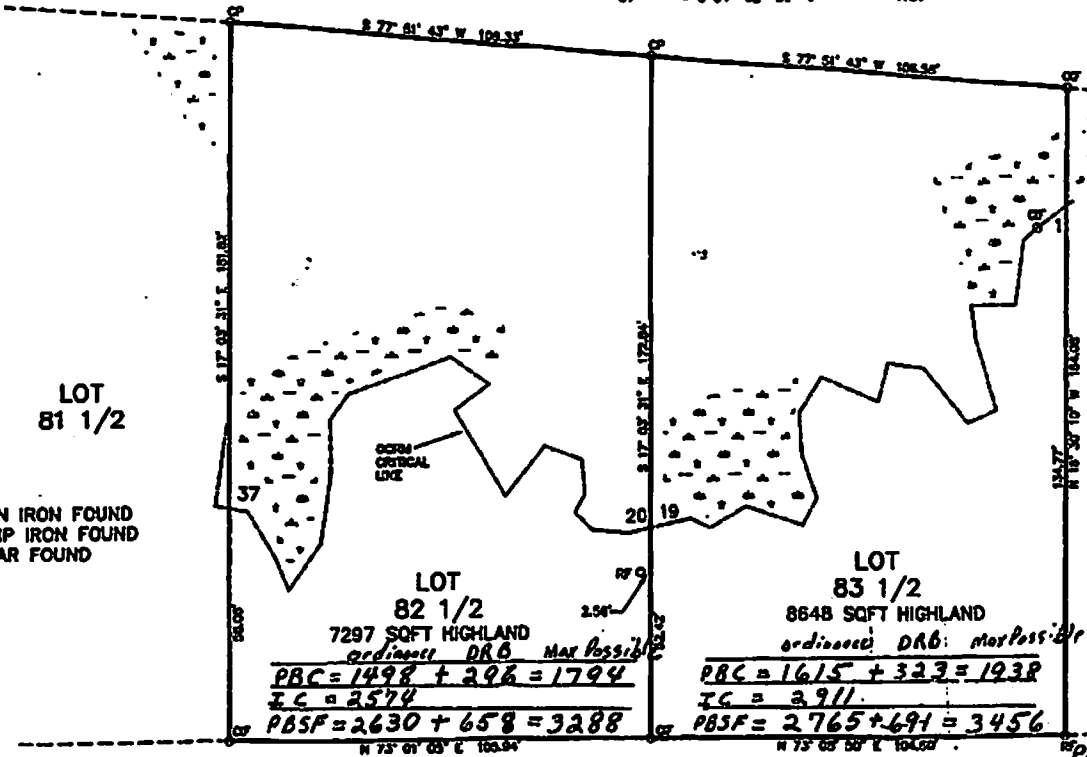
SCALE: 1" = 30'
 DATE: FEBRUARY 1, 2012

CRITICAL LINE DELINEATION
 LOTS 82 1/2 & 83 1/2
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I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE REVISED 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.

JOHN E. WADE JR., R.L.S.
 S.C. REG. NO. 1371



LEGEND:
 OIF 1" OPEN IRON FOUND
 CIF 1" CRIMP IRON FOUND
 RF #5 REBAR FOUND

NOTES:
 1) TMS# 529-08-00-117 & 118
 2) OWNED BY THE TOWN OF S.I.
 3) REFERENCE PLAT BOOK AE-127
 4) FLOOD ZONE AE ELEV 13
 FIRM 45019C-0539-J
 (11-17-2004)

$PBC = \text{Principal Building Coverage}$
 $IC = \text{Impervious Coverage}$
 $PBSF = \text{Principal Bldg. Square Footage}$

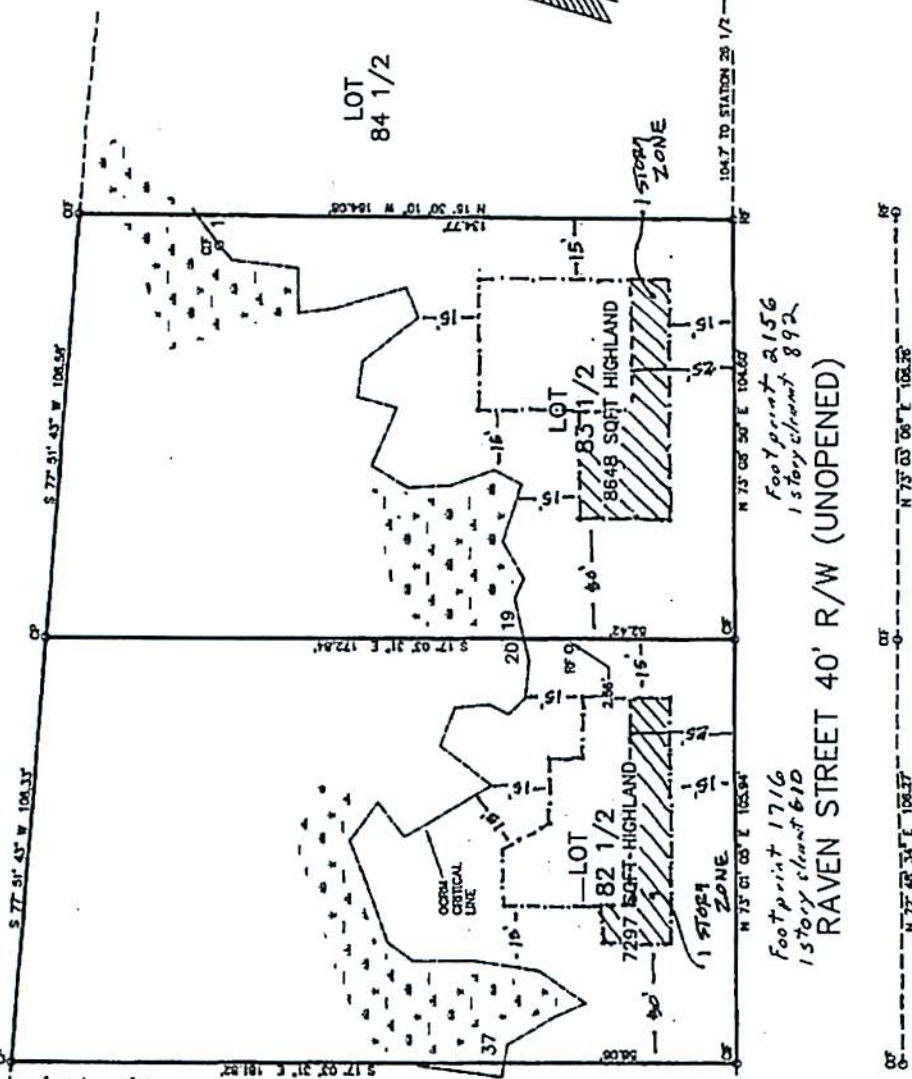
ATTACHMENT 3

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CRITICAL LINE NO.	BEARING	DIST	CRITICAL LINE CHART
1	S 81° 42' 25" V	3.56'	
2	S 79° 50' 19" V	10.27'	
3	S 78° 26' 39" V	9.31'	
4	S 76° 08' 23" V	5.09'	
5	S 73° 18' 02" V	3.29'	
6	S 70° 18' 25" V	8.19'	
7	S 67° 40' 32" V	16.44'	
8	S 64° 45' 08" V	10.08'	
9	S 61° 59' 11" V	12.00'	
10	S 59° 03' 36" V	25.88'	
11	S 56° 11' 34" V	14.81'	
12	S 53° 08' 57" V	17.42'	
13	S 50° 23' 59" V	14.42'	
14	S 47° 13' 17" V	14.33'	
15	S 44° 02' 51" V	10.56'	
16	S 41° 19' 19" V	10.36'	
17	S 38° 17' 25" V	10.36'	
18	S 35° 09' 43" V	11.37'	
19	S 32° 18' 26" V	19.35'	
20	S 29° 43' 22" V	18.11'	
21	S 26° 51' 43" V	9.11'	
22	S 24° 06' 06" V	10.38'	
23	S 21° 34' 13" V	10.69'	
24	S 18° 52' 24" V	10.48'	
25	S 16° 11' 32" V	7.07'	
26	S 13° 30' 53" V	15.19'	
27	S 10° 42' 32" V	10.56'	
28	S 07° 51' 43" V	10.56'	
29	S 05° 01' 43" V	10.56'	
30	S 02° 06' 11" V	10.38'	
31	S 00° 00' 50" V	10.69'	
32	S 00° 34' 13" V	10.69'	
33	S 01° 52' 24" V	10.48'	
34	S 03° 30' 53" V	7.07'	
35	S 05° 10' 13" V	15.19'	
36	S 07° 10' 13" V	10.56'	
37	S 09° 10' 13" V	10.56'	
38	S 11° 10' 13" V	10.56'	
39	S 13° 10' 13" V	10.56'	
40	S 15° 10' 13" V	10.56'	
41	S 17° 10' 13" V	10.56'	
42	S 19° 10' 13" V	10.56'	
43	S 21° 10' 13" V	10.56'	
44	S 23° 10' 13" V	10.56'	
45	S 25° 10' 13" V	10.56'	
46	S 27° 10' 13" V	10.56'	
47	S 29° 10' 13" V	10.56'	
48	S 31° 10' 13" V	10.56'	
49	S 33° 10' 13" V	10.56'	
50	S 35° 10' 13" V	10.56'	
51	S 37° 10' 13" V	10.56'	
52	S 39° 10' 13" V	10.56'	
53	S 41° 10' 13" V	10.56'	
54	S 43° 10' 13" V	10.56'	
55	S 45° 10' 13" V	10.56'	
56	S 47° 10' 13" V	10.56'	
57	S 49° 10' 13" V	10.56'	
58	S 51° 10' 13" V	10.56'	
59	S 53° 10' 13" V	10.56'	
60	S 55° 10' 13" V	10.56'	
61	S 57° 10' 13" V	10.56'	
62	S 59° 10' 13" V	10.56'	
63	S 61° 10' 13" V	10.56'	
64	S 63° 10' 13" V	10.56'	
65	S 65° 10' 13" V	10.56'	
66	S 67° 10' 13" V	10.56'	
67	S 69° 10' 13" V	10.56'	
68	S 71° 10' 13" V	10.56'	
69	S 73° 10' 13" V	10.56'	
70	S 75° 10' 13" V	10.56'	
71	S 77° 10' 13" V	10.56'	
72	S 79° 10' 13" V	10.56'	
73	S 81° 10' 13" V	10.56'	
74	S 83° 10' 13" V	10.56'	
75	S 85° 10' 13" V	10.56'	
76	S 87° 10' 13" V	10.56'	
77	S 89° 10' 13" V	10.56'	
78	S 91° 10' 13" V	10.56'	
79	S 93° 10' 13" V	10.56'	
80	S 95° 10' 13" V	10.56'	
81	S 97° 10' 13" V	10.56'	
82	S 99° 10' 13" V	10.56'	
83	S 101° 10' 13" V	10.56'	
84	S 103° 10' 13" V	10.56'	
85	S 105° 10' 13" V	10.56'	
86	S 107° 10' 13" V	10.56'	
87	S 109° 10' 13" V	10.56'	
88	S 111° 10' 13" V	10.56'	
89	S 113° 10' 13" V	10.56'	
90	S 115° 10' 13" V	10.56'	
91	S 117° 10' 13" V	10.56'	
92	S 119° 10' 13" V	10.56'	
93	S 121° 10' 13" V	10.56'	
94	S 123° 10' 13" V	10.56'	
95	S 125° 10' 13" V	10.56'	
96	S 127° 10' 13" V	10.56'	
97	S 129° 10' 13" V	10.56'	
98	S 131° 10' 13" V	10.56'	
99	S 133° 10' 13" V	10.56'	
100	S 135° 10' 13" V	10.56'	



THIS SURVEY IS BASED ON THE REFERENCES SHOWN AND DOES NOT CONSTITUTE A TITLE SEARCH. THE BEARINGS SHOWN ARE MAGNETIC (UNLESS STATED OTHERWISE) AND ARE SUBJECT TO LOCAL ATTRACTION. ANYTHING SHOWN OUTSIDE THE PRESCRIBED BOUNDARIES OF THIS SURVEY IS FOR DESCRIPTIVE PURPOSES ONLY.

DATE: 2/17/12

BY: [Signature]

SCALE: 1" = 30' DATE: FEBRUARY 1, 2012

JOHN E. WADE JR., RLS
PO BOX 686
ISLE OF PALMS
SOUTH CAROLINA
29451
(843) 886-8282
FILE #021-12

CRITICAL LINE DELINEATION
LOTS 82 1/2 & 83 1/2
LOCATED ON
SULLIVANS ISLAND
CHARLESTON COUNTY
SOUTH CAROLINA



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON 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.

[Signature]
JOHN E. WADE JR., RLS.
S.C. REG. NO. 13171

NOTES:
1) TMS# 529-06-00-117 & 118
2) OWNED BY THE TOWN OF S.I.
3) REFERENCE PLAT BOOK AE-127
4) FLOOD ZONE AE ELEV 13
FIRM 45019C-0539-J
(11-17-2004)

Footprint 1716
1 story clear 610

Footprint 2156
1 story clear 892

Variance Request and Restrictions for 2618 and 2624 Raven Drive

- Variance requested is for a 15 foot street side setback. The area street side of the 25 foot setback is to be a one story zone above base flood elevation only.
- Variance for critical line setback is 15 feet but only to include foot print as proposed on site plan provided.
- West side setback to be a minimum of 30 feet.
- East side setback limited to 15 feet.
- Design Review Board is not allowed to reduce side yard setbacks as provided for in Section 21-22 (c).
- Square footage of structures is limited to what is allowed by ordinance. No increase allowed by Design Review Board for neighborhood compatibility as allowed in Section 21-27 (c).
- Third story is not allowed as provided for in Section 21-28.
- Purchaser of property will be required to build a 18 inch retaining wall along critical line.
- No parking will be allowed forward (street side) of the principal building front façade.
- No accessory structure taller than 4-1/2 feet may be constructed within 30 feet of west side setback, 15 feet east side setback.