

Town of Sullivan's Island  
BOARD OF ZONING APPEALS  
Thursday, January 9, 2020

A Board of Zoning Appeals Meeting was held on the above date at 6:00 p.m., all requirements of the Freedom of Information Act having been satisfied.

Present were: Elizabeth Tezza, Chairman  
Babak Bryan, Board Member  
Summer Eudy, Board Member  
Michael Koon, Board Member  
Jody Latham, Board Member  
Joe Henderson, Director of Planning/Zoning Administrator  
Courtney Liles, Town Clerk

A. Freedom of Information Act Requirements

Elizabeth Tezza called the meeting to order at 6:01 p.m. and stated the press and public had been notified in accordance with State Law. There was one (1) member of the public present and no members of the media present.

B. Approval of Minutes from November 14, 2019

**Motion was made by Michael Koon, seconded by Babak Bryan, to approve the Board of Zoning Appeals Meeting minutes of November 14, 2019. This motion passed unanimously.**

C. Applicant and Participant Oath

Members of the audience who spoke during the meeting participated in the oath, including Joe Henderson and Brent Fleming.

D. Special Exceptions

1. 1321 Middle Street: Brent Fleming, applicant, requests final approval of the accessory dwelling unit (ADU) historic special exception in accordance with Zoning Ordinance section §21-20 C. (2) and §21-178. (TMS# 523-07-00-096)

Director of Planning/Zoning Administrator Joe Henderson presented this application on behalf of the Town. Mr. Henderson gave a brief background of the request. During the September 12, 2019 BZA hearing, the Board questioned several elements of the proposed development leading to withdrawal of the application:

- Second driveway access along Poe Avenue: The previous site design illustrated use of a second driveway on Poe Avenue. This driveway was previously used as

an informal ingress to the property. This driveway has been removed from the applicant's presentation.

- Shed reconstruction: The existing shed is considered legal, but nonconforming because it encroaches over the eastern (shared) property line. The Board recommended that if renovations are proposed, the shed should meet all the conditions for the Zoning Ordinance (setbacks, height, etc.). No structural changes were being requested to the shed in the revised site plan.
- Lot coverage calculations: The Board requested all lot coverage calculations be shown on the subsequent submittal. Lot coverage data provided and staff has confirmed compliance.

Henderson reported the various changes to the site design and gave a brief background to the applicant's review history. On July 17, 2019, the DRB designated 1321 Middle Street as a *Traditional Island Resource* for meeting the Historic Designation Criteria of Section 21-94. The structure is one of ten small cottages that served as residences for non-commissioned officers that have been severely altered over the years. During the Town's historic survey of 1990, the consultant deemed them as not having sufficient historic fabric to be considered historic. The owner requested this status of "altered yet repairable" be changed to "Traditional Island Resource."

The DRB also conceptually approved the historic restoration strategy and site location for the new home. With a BZA approval of this special exception, a second principal building (main house) may be constructed on the parcel, permitting the smaller historic structure to become an accessory dwelling unit (ADU).

Staff recommended approval of the special exception provided the Board's requested modifications are addressed.

Deliberations took place between the Board, Mr. Henderson and the Applicant.

Mr. Bryan asked Mr. Henderson how the application reflects Z.O. Section 21-20 D. (1) Prohibited uses in the RS- District- "Residences that contain less than one thousand (1,000) square feet of enclosed living area". Mr. Bryan stated that would be taking a conforming structure and making it non-conforming. Mr. Henderson stated that according to the Zoning Ordinance all historic structures are considered conforming to dimensional standards. Additionally, Z.O. Section 21-140 A. (2) Historic structures, states that if the size of the historic structure is less than twelve-hundred (1,200) square feet of heated space at the time of its designation, it may qualify for special exception approval. Henderson further reiterated it can be allowed as an accessory structure in the RS- District as long as the DRB gives their blessing for the reduction of the principal building

square feet of the non-original additions. Mr. Henderson added that several ADU's under 1,000 square feet have been approved in the past by allowing removal of incompatible non-original additions.

Mr. Fleming stated that during his initial conceptual presentation to the DRB, part of his proposal for declaring the structure historic was to remove the non-historic modifications that were added over time and restore the structure back to its original footprint.

Mr. Fleming presented the revised site design.

Mr. Koon stated that the notion of granting a special exception that approves the accessory structure encroachment and continued use of the neighbor's property as part of their own is problematic to him. Mr. Koon added that he is also doubtful that the property owners are going to be content with the garage in its current state after spending a million dollars on the new structure and he recommends removing the garage because it is an eyesore and a tight space. Mr. Fleming stated the garage is an important and functional space for storage and the owners would like to keep it as is.

Mr. Henderson stated that there are three (3) options available with regard to the garage structure:

1. The owner may demolish the structure and whatever is rebuilt has to meet the setback requirements (either 10' or 6');
2. Approve the structure as is as a legal nonconforming structure;
3. Approve the structure to be relocated to reduce the nonconformity (i.e. moving the structure onto the property as an improvement to the nonconformity).

**Motion was made by Michael Koon, seconded by Jody Latham, to approve the accessory dwelling unit (ADU) historic special exception at 1321 Middle Street having met all of the requirements of Zoning Ordinance sections §21-20 C. (2) and §21-178 with one exception regarding an encroaching structure shown as an existing garage. The structure must be demolished and a conforming structure be built which is subject to 40% side setback relief from the DRB, which the Board of Zoning Appeals has recommended.**

Mr. Bryan stated that he is uncomfortable with this decision and strongly objects.

**Motion passed by a vote of 4-1, with Babak Bryan opposing.**

E. Adjournment



**Motion was made by Jody Latham, seconded by Michael Koon to adjourn at 7:14 p.m. This motion passed unanimously.**

Respectfully submitted,



Courtney Liles