

Town of Sullivan's Island
BOARD OF ZONING APPEALS
Thursday, April 8, 2021

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
Michael Koon, Board Member
Jody Latham, Board Member
Amy Pruitt, Board Member
Joe Henderson, Director of Planning/Zoning Administrator
Courtney Sottile, Town Clerk
Bridget Welch, Administration

A. Freedom of Information Act Requirements

Chair Tezza called the meeting to order at 6:00 p.m. and stated the press and public had been notified in accordance with State Law. There were three (3) members of the public present and no members of the media present. This meeting was conducted via virtual meeting as a result of COVID-19 Pandemic.

B. Approval of Minutes from March 11, 2021

Motion was made by Michael Koon, seconded by Amy Pruitt, to approve the Board of Zoning Appeals Meeting minutes of March 11, 2021. This motion passed unanimously.

C. Special Exception – Extension of Approval

2668 Goldbug Avenue: Allen Porter, property owner and applicant, requests the third of five allowed time extensions for a previously approved “Accessory Dwelling Unit Special Exception” and a variance from the RC-2 setback requirements in accordance with SC Code §6-29-1530 South Carolina Vested Rights Act. (TMS# 529-07-00-008).

Director of Planning/Zoning Administrator Joe Henderson presented this application on behalf of the Town. Mr. Henderson stated that in accordance with SC Code §6-29-1530 of the South Carolina Vested Rights Act, a vested right is established for two years upon the approval of a site-specific development plan; and a landowner of real property with a vested right may apply at the end of the vesting period to the local governing body for an annual extension of the vested right. The local governing body must

approve applications for at least five annual extensions of the vested right. The applicant is asking for his third of five annual approvals.

Motion was made by Michael Koon, seconded by Jody Latham, that the Board of Zoning Appeals approves the third of five allowed time extensions for a previously approved “Accessory Dwelling Unit Special Exception” and a variance from the RC-2 setback requirements in accordance with SC Code §6-29-1530 South Carolina Vested Rights Act. This motion passed unanimously.

D. Variance Request

2600 I’On Avenue: Brandon Perry, applicant and property owner, requests a variance from the dimensional requirements for driveways; Zoning Ordinance, Section 21-15 A (1) (b) limiting a maximum driveway width to 12 feet at the property line and 20 feet at the edge of pavement. (PIN# 529-10-00-022)

Director of Planning/Zoning Administrator Joe Henderson presented this application on behalf of the Town. Mr. Henderson gave a brief background on this property. On December 7, 2020, Town staff discovered an unpermitted driveway expansion taking place at 2600 I’On Avenue. Staff posted a stop-work order and issued tickets to both the contractor and Mr. Perry for violation of 5-9 (Building Permits Required) and Z.O. Section §21-15 A (1) (b) (driveways may not exceed 20’ at the edge of the road asphalt at 12’ at the property line).

In February 2019, Mr. Perry constructed a Design Review Board approved historic addition and correctly permitted a compliant tabby driveway with the dimensions of 20’ at the edge of the road asphalt at 12’ at the property line. Added concrete was poured in December 2020 to increase the width to 34’ at property line and 34’ at the edge of pavement. The additional driveway was removed on April 7, 2021 to the compliant dimensions. Applicant is requesting a variance to keep the illegally poured driveway expansion that is 34’ wide (at the edge of pavement at Station 26) and 34’ at the property line. This request would be a 14’ increase at the edge of the pavement at Station 26 and 22’ increase at the property line.

Mr. Henderson stated that staff believes that due to the configuration of the property, the hardship test might be justified for all but the test for “utilization and unreasonable restriction” of the property. Utilization of the property is likely not prohibited or unreasonably restricted because the home owners are still able to drive vehicles onto the property and park under the home. The area under the home is currently used for parking, access, storage and recreational space for the nearby swimming pool. The owners’

preference to not access the parking space under the home is not sufficient justification of the granting of a variance.

Deliberations took place between the Board, the applicant and Town staff.

Mr. Perry, homeowner and applicant, presented his application. He expressed safety concerns regarding having to exiting his driveway into oncoming traffic going at a high rate of speed. Mr. Perry stated that he contacted SCDOT concerning who has authority over the rights-of-way which they responded that they have final approval. SCDOT also stated that if they needed to access underneath the additional driveway, then they would have to remove it to have access at the owner's expense. Mr. Perry did get an encroachment from SCDOT. Mr. Perry is asking for consideration of his unique historic property that sits on both sides of the setback.

Chair Tezza stated that the contractor was responsible for obtaining the proper permit and does not fault the homeowner for not having the proper permit.

Mr. Koon stated that given the circumstances of the property and street location, he is in favor of the proposed variance and believes the requirements for the variance have been met.

Ms. Pruitt stated that she agrees with Mr. Koons statement; she added that she would feel more comfortable if the current driveway was removed and the entire area was replaced with non-permeable material.

Mr. Bryan stated that he is concerned about decisions made by the Board that could affect future decisions and is worried about increasing impermeable surfaces on the island, specifically concrete. He suggested that permeable materials to be used.

Chair Tezza stated that the entire Board is not comfortable with adding additional concrete on the island and asked the applicant if he would be willing to compromise and replace the current driveway and the proposed addition in permeable material.

Motion was made by Michael Koon, seconded by Babak Bryan, approving the variance request at 2600 I'On Avenue relating to dimensional requirements for driveways, found in Zoning Ordinance, Section 21-15 A (1) (b). The Board made findings of fact that there are extraordinary and exceptional conditions that affect this lot that do not generally apply to other properties in the vicinity and as a result of those conditions the utilization of this property are substantially impacted to the

detriment of the property owner. The Board additionally finds that this property is unique in its close proximity to the street, causing an additional safety concern for vehicles exiting and entering the driveway.

The Board established an additional condition that the existing impervious driveway be removed in its entirety and the new driveway be made with engineered permeable materials. By utilizing a pervious system, the driveway could also eliminate potential hazards caused by standing water and erosion on the subject property and any downstream properties. The pervious driveway is permitted to be a maximum width of 24-feet and must extend from the property line to the Station 26 edge of pavement.

This motion passed unanimously.

E. Items for Consideration

F. Adjourn

Motion was made by Michael Koon, seconded by Amy Pruitt to adjourn at 7:09 p.m. This motion passed unanimously.

Respectfully submitted,



Bridget Welch