



**Town of Sullivan's Island, South Carolina
Board of Zoning Appeals
Meeting Minutes
Thursday, October 14, 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
Jackie Edgerton, Board Member
Jody Latham, Board Member
Peter Koepke, Board Member
James Elliott, Board Member
Jeremy Graves, Board Member
Joe Henderson, Director of Planning/Zoning Administrator
Bridget Welch, Town Clerk of Council/ BZA Secretary

A. Freedom of Information Act Requirements

Chair Tezza called the meeting to order at 5:59 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- September 9, 2021

Motion was made by Jody Latham, seconded by Jackie Edgerton, to approve the Board of Zoning Appeals Meeting minutes of September 9, 2021, passed unanimously.

C. Variance Requests

1611 Middle Street: Katherine and Christopher Kronzer, property owners, request approval to vary from the rear yard setback requirements of §21-22 E (1) and §21-142 (Swimming pools), reducing the setback from 25'-0" to 10'-0." (PIN# 529-08-00-024).

Joe Henderson, Planning and Zoning staff, made a presentation related to the variance request and property location. He noted the DRB had previously granted 25% relief for the

side setbacks allowing a 10' side yard setback instead of the required 15'. He showed the plans to install a swimming pool and hot tub. The owners are now requesting a 15-foot (60%) encroachment into the 25' rear setback, which would give the pool a 10-foot rear setback from the rear property line.

Chair Tezza confirmed the current request is a new set of plans from the previously approved DRB plans authorizing the 25% side setback relief. Mr. Henderson stated that the DRB approval would still be needed if the BZA variance is granted, according to their plans.

Mr. Henderson presented the staff recommendation to deny the variance as it does not demonstrate an unnecessary hardship and does not meet the four criteria required to grant a variance.

Applicant, Chris Kronzer, presented his report, which included reasons why the original plans were changed. They felt the original plan posed safety and foundation risks, and decided the next best options was an elevated pool deck. Concerns from neighbors regarding noise, privacy, and flooding prompted the redesign for a ground level pool.

Chair Tezza stated the Board has not previously granted variances of this size unless the lot itself was irregular in some way. She also stated not having a pool is not considered a hardship to the owner. Because the DRB has already approved a design, she feels that a pool is feasible for the property and does not feel the BZA variance should be granted.

Board member Graves stated lowering the pool does not guarantee privacy, as the deck is still raised. He also confirmed with the applicant that the pool could be built if the variance was not granted.

Mr. Henderson reviewed the four hardship criteria of Section 21-179 that needs to be met for a variance to be granted, which is also set by South Carolina's state code. He reiterated this request likely does not meet three of the hardship criteria, and the criteria does not include any specifications regarding safety, privacy, or neighbor approval. The Board confirmed the lot itself is not significantly smaller than average lots. Board member Edgerton mentioned the setback they are requesting is larger than most variances that are approved.

Chair Tezza reiterated that safety is not part of the criteria for granting a variance, and not having a pool does not create a hardship for the owner, regardless of how the neighbors feel. Applicant Kronzer also mentioned Oak trees and their subsequent roots on his property influence the size and placement of the pool, as he is not able to build it close to either of those. Chair Tezza stated regardless of the trees, the applicant is unable to meet the full criteria required for a variance.

Board members Elliott, Latham, Edgerton, and Graves all agreed the proposed variance does not meet the four hardship criteria and cannot be approved. They also noted they did appreciate the applicant taking his neighbors input into consideration.

Board member Koepke was in favor of considering the application as an exception to the variance.

Motion was made by James Elliott, seconded by Jody Latham, to deny the variance request for 1611 Middle Street, for not meeting all of the hardship criteria for a variance under §21-179 B (1-4), passed with five in favor and one opposed from Peter Koepke.

D. Items for Consideration

E. Adjourn

Motion was made by Jody Latham, seconded by Jeremy Graves to adjourn at 6:46 p.m., passed unanimously.

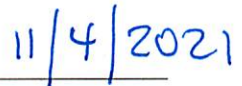
Respectfully submitted,

Bridget Welch

Board of Zoning Appeals Staff



Elizabeth Tezza, Chair



Date