



**Town of Sullivan's Island, South Carolina
Board of Zoning Appeals
Meeting Minutes
Thursday, July 14, 2022**

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, Chair
Jackie Edgerton, Board Member
Peter Koepke, Board Member
Jeremy Graves, Board Member
Charles Drayton, Director of Planning and Zoning
Bridget Welch, Administration

I. Freedom of Information Act Requirements

Chair 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 two (2) members of the public present and no members of the media present.

II. Approval of Minutes-June 9, 2022

Motion was made by Jackie Edgerton, seconded by Peter Koepke, to approve the Board of Zoning Appeals Meeting Minutes of June 9, 2022, passed unanimously.

III. Variance Requests

1. 2910 Jasper Boulevard (Application): Paul and Erin Finnen, applicants, are requesting a variance from the thirty (30) foot setback requirement for all residential development adjacent to the RC-2 Zoning District Ordinance §21-23 E. (1)(a). (PIN# 529-07-00-081)

Charles Drayton presented for the Town, explaining the variance request for 30 feet, along with images of the property and property lines. Mr. Drayton noted that the RC-2 Zoning District is considered for recreation and conservation, and it is for the enjoyment of the public and buildings are not allowed there. It is currently owned by the Town. He also noted the structure could be built as presented if it were built without the 30-foot setback relief. Mr.

Drayton also gave a brief history of the application. He reminded the Board that all four conditions must be met to grant such a variance and staff does not believe that it does not meet the hardship test.

Mr. Graves asked for clarification about surrounding properties that seem to be built past the setback line the applicant is asking relief from. Mr. Drayton stated there are varying circumstances for these individual properties, including the lack of a Town owned lot behind the personal property. Mr. Drayton and Chair Tezza stated that to their knowledge this type of relief has not been granted for properties and they have never allowed encroachment into the RC-2 zone.

Jeff Tibbals of Bybee & Tibbals presented on behalf of the applicants and property owners, the Finns. He spoke about and presented materials about nearby properties with similar situations that have had a variety of outcomes. He stated they feel the ordinance unreasonably restricts the owners from fully utilizing their property and feels building to the setback would not be detrimental to the neighborhood or cause any safety concerns.

Board member Edgerton asked if any other cases where variances were granted to encroach into the setback next to the RC-2 zone. Mr. Drayton stated no other properties have a variance involving RC-2 land and Mr. Tibbals agreed. Mr. Tibbals again stated they will be leaving a 100-foot RC-2 district behind the property. The applicant feels building it further back from Jasper would be safer, more aligned with the neighborhood, and more aesthetically pleasing. They also feel the term “unreasonably restricted” applies in that they are not able to use their property’s optimal view and breeze corridor without this variance.

Chair Tezza stated there have been no variances granted for this kind of request and all the cases Mr. Tibbals mentioned involved litigation or had to do with other subject matter. The Board’s job is to decide if the request meets the four conditions to approve a variance without regard to the settlements of other properties. She also reiterated that, as stated by Mr. Tibbals, the house could be built as presented within the setback lines without a variance.

Mr. Koepke stated the Board must make decisions based on the rules they are given and while Mr. Tibbals makes good points, the request still does not meet all four conditions to approve their request.

Chair Tezza and Mr. Graves reiterated that the term “unreasonably restrict” would only apply if the applicant were not able to use their property to build their house. Without approval of the variance, the applicant can build the house as designed, but not within in the setback as requested.

Mr. Finnen addressed the Board and thanked them for their time.

Motion was made by Peter Koepke, seconded by Jackie Edgerton, with regard to the variance request from 2910 Jasper Boulevard, we make a motion to deny the variance because we don't feel that the extraordinary conditions as outlined in Zoning Ordinance §21-23 E. (1)(a) are not fulfilled and we can't for that reason grant the variance; we find that there are no extraordinary and exceptional conditions pertaining to the particular piece of property, that these conditions do not generally apply to other properties in the vicinity, that because of these conditions the application of the ordinance this particular piece of property would effectively not unreasonably restrict the utilization of the property and that the authorization of a variance will be a substantial detriment to the adjacent property or the public good and the character of the district will potentially be harmed by the granting of the variance, passed unanimously.

IV. Adjourn

Motion was made by Jeremy Graves, seconded by Jackie Edgerton to adjourn at 6:51 p.m., passed unanimously.

Respectfully submitted,

Bridget Welch
Board of Zoning Appeals Staff

 8-11-2022
Elizabeth Tezza