



**Town of Sullivan's Island, South Carolina  
Board of Zoning Appeals  
Meeting Minutes  
Thursday, December 8, 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  
Sydney Cook, Board Member  
James Elliott, Board Member  
Jackie Edgerton, Board Member  
Jody Latham, Board Member  
Michael Scruggs, 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 6:00 p.m. and stated the press and public had been notified in accordance with State Law. There were two (2) members of the public present and no members of the media present.

The Board welcomed the two new members, Michael Scruggs and Sydney Cook.

**II. Civility Pledge Oath for the Board of Zoning Appeals**

**III. Approval of Minutes-August 11, 2022**

Motion was made by Jody Latham, seconded by James Elliott, to approve the Board of Zoning Appeals Meeting Minutes of August 11, 2022, passed unanimously.

**IV. Approval of the Board of Zoning Appeals' Calendar of Meetings for 2023**

Motion was made by Jackie Edgerton, seconded by Michael Scruggs, to approve the calendar of meeting dates for 2023, passed unanimously.

**V. Board Discussion and Approval of Chair and Vice Chair**

**Motion was made by Jackie Edgerton, seconded by Michael Scruggs, to accept Elizabeth Tezza as Chair and Jody Latham as Vice Chair of the Board of Zoning Appeals, passed unanimously.**

**VI. Variance Requests**

1. 1750 I'On Avenue (Application): Brad and Talby Taylor, applications, are requesting a variance from Section 21 – 138 A. (5)(a) of the Zoning Ordinance, to allow for two accessory structures to be placed 12 feet from the edge of pavement along the Poe Avenue Right of Way in the rear yard of the property. (PIN# 523-12-00-073)

Mr. Drayton stated this is historical property and reviewed the variance requested as well as provided visuals via a PowerPoint. He mentioned this area is atypical because the actual pavement of Poe Avenue runs along the southern edge of the right-of-way, rather than in the middle of the right-of-way. The applicants would like to build a new carport and new shed placed twelve feet off the property line/edge of the pavement. The ordinance states structures must be 10 feet from the property or 30 feet from the edge of pavement, whichever is greater. They have been given approval for the designs by the Design Review Board but need the BZA's approval to allow this variance from Section 21 – 138 A (5)(a). Staff believes the four conditions of the hardship test have been met and recommends the variance be approved. Mr. Drayton presented explanations as to how each condition is met in detail.

**Extraordinary conditions.** There are extraordinary and exceptional conditions pertaining to the particular piece of property.

- ▶ **STAFF RESPONSE: The location of the pavement in the Poe Avenue right of way directly up to the property line on one side is an extraordinary condition.**

**Other property.** These conditions do not generally apply to other property in the vicinity.

- ▶ **STAFF RESPONSE: There are a couple of properties to the west of this one that share this condition, but it is generally a unique condition.**

**Utilization.** 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.

- ▶ **STAFF RESPONSE: Most of the island's homes have one of two means by which the homeowner(s) may protect their vehicles from the elements: 1) A garage for vehicle storage, or 2) The home is elevated enough to allow vehicle storage underneath. The property owners at 1750 I'On Avenue have neither means at their disposal to protect their vehicles from the elements.**

**Detriment.** The authorization of a 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 by the granting of the variance.



- ▶ **STAFF RESPONSE:** There are other properties along this row of houses that have encountered this issue in the past and have been granted relief for accessory structures closer to the edge of pavement than the ordinance requires; with this property the condition is more extreme (beyond DRB standards for relief), but the placement of accessory structures nearer to the pavement along this section of Poe Avenue will not be a detriment to adjacent properties nor the character of the district.

The applicant presented reasons for the request as well as why he feels the request meets the four conditions of the hardship test. He and Mr. Drayton both mentioned this redesign will reduce the amount of impervious surface area on the property. The applicant also presented similar situations along his street and believes their proposed design is compatible.

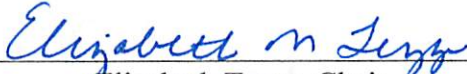
The Board agreed the four conditions were met and a motion was made.

**Motion was made by James Elliott, seconded by Jody Latham, to grant the variance to Section 21 – 138 A. (5)(a) on the basis that the applicant meets the requirements under 21-179 as there are extraordinary conditions that impact this property as explained by the Town representative with regard to Poe Avenue, the conditions of this property, generally, don't apply to other properties on the Island, given that it is a historic structure and the difficulties that can come with owning a historical property, the utilization requirement is met, given the entirety of the condition of the property effectively prohibits and restricts the use, and there is no detriment that would be caused by way of authorization to the public or surrounding properties, passed unanimously.**

## VII. Adjourn

Meeting was adjourned at 6:23 p.m.

Respectfully submitted,  
Bridget Welch  
Board of Zoning Appeals Staff

  
Elizabeth Tezza, Chair

2/9/2023