



**Town of Sullivan's Island, South Carolina
Board of Zoning Appeals
Meeting Minutes
Thursday, August 14, 2025**

A Board of Zoning Appeals Meeting was held on the above date at 4:00 p.m., all requirements of the Freedom of Information Act having been satisfied.

Present were:

Elizabeth Tezza, Chair
Jackie Edgerton, Board Member
Arthur Hanlon, Board Member
Cindy Kirkland, Board Member
Michael Scruggs, Vice-Chairman

Charles Drayton, Director of Planning and Zoning
Rebecca Fanning, Director of Resilience and Natural Resource Management
Bridget Welch, Staff Member

I. Freedom of Information Act Requirements

Chair Elizabeth Tezza called the meeting to order at 4:00 p.m. and stated the press and public had been notified in accordance with State Law. There were eight (8) members of the public present and no members of the media present.

II. Approval of Minutes-June 12, 2025

Motion was made by Michael Scruggs, seconded by Arthur Hanlon, to approve the Board of Zoning Appeals Meeting Minutes of June 12, 2025, passed unanimously.

III. Variance Request

1. **1010 Osceola Avenue (Application):** Mary Murray Muller, applicant, is requesting variances from §21-13, to allow the importation of fill materials onto the lot, increasing lot elevations by more than 1 foot above the existing grades. (PIN#523-06-00-003).

2. **1018 Osceola Avenue (Application):** Robert Brandon Aebersold, applicant, is requesting a variance from §21-13, to allow the importation of fill materials onto the lot, increasing lot elevations by more than 1 foot above the existing grades. (PIN# 523-06-00-002).

Charles Drayton began by asking the Board to consider the 2 requests together since the requests were for a single project to address flooding concerns on the 2 properties, then he made his staff presentation, explaining why they are requesting a variance to add more than one level of fill on their properties, which are next door to each other. He provided visuals on the current situation as well as what is expected to happen in the future regarding tidal flooding, stating these properties would not be protected after the stormwater plan of elevating Osceola Avenue is implemented. These are two of the lowest lots on the Island. There was also a visual provided of how much fill would be needed for the two lots. They are required to provide a stormwater plan that must be approved by staff before moving forward. He also mentioned the need to make a plan to address the trees that are along the property line and how they would be handled when creating a berm.

Mr. Drayton reviewed the four hardships that must be met in order to grant the variance and gave the staff recommendation of having the Board consider the four hardship findings of fact that must be present for granting a variance and consider the staff's supportive evaluation of those tests in order to make a careful and just decision on these variance requests in accordance with the standards of §21-179 of the zoning ordinance. Staff further recommends that careful consideration be placed on the allowance of fill within the critical root zones of the trees that would be impacted to ensure that the applicant does not harm any trees on the lot by covering their roots with fill. Staff nor the BZA may approve the proposed changes within the SCDOT right-of-way; the applicant would need to secure an encroachment permit for that work from SCDOT. He then took questions from the Board.

A presentation was made on behalf of the applicants by Jay Harper, the contractor for 1018 Osceola Avenue. He noted three changes that had been made since the last meeting: removal of the bulkhead wall, lowered the elevation requested from the back for the property from 7' to 6'6", and updated the critical line. They also shifted the drainage system so it will now catch 100% of their water on the property so that there are no adverse impacts to the adjacent properties. He stated they already have a SCDOT permit and it will be updated based on the new plan. Their main request was relocating the driveway.

Ryne Philips, from Seamon Whiteside, spoke about this project in relation to the Island-wide stormwater master plan. He stated that the fill requested is solely for flood protection. He stated for 1010 Osceola; they will focus on building a berm to help prevent flooding on the property. There will be pumps in place to help with tidal flooding. He then took questions from the Board.

Public Comment:

- Libby Kilpatrick (Riddle), 1026 Osceola Ave – is opposed to allowing additional fill for the 1018 Osceola Ave and feels not allowing fill is not an unnecessary hardship. She also opposes any interference with the natural marsh and stated the property has not been changed since it was purchased but the owners are unhappy with it and have requested several variances. She also stated the brick wall they have been referencing is not to prevent flooding and is only decorative. She does not have any issues with adding some elevation to 1010 Osceola Ave (Mary Muller Murray's lot).

Ryne stated adding oyster bags and spartina is to promote marsh growth in the back of the fill. He again took questions from the Board.

Motion was made by Michael Scruggs, seconded by Arthur Hanlon, finds that the variance is appropriate for both 1010 and 1018 Osceola because there are extraordinary and exceptional conditions pertaining to these particular pieces of property in that they are the second and fourth lowest properties on the Island and they do face unique challenges with tides and floodwater; second, the conditions do not generally apply to other properties in the vicinity, as stated, other than the first and the third, these are uniquely low properties relative to the other properties on the Island certainly, and we find because of these conditions we find the application of the Zoning Ordinance to the particular pieces of property would effectively prohibit or unnecessarily restrict the utilization of these two properties in that ingress and egress would be difficult and the ability to just enjoy the property during high tides and several conditions, and finally, that the authorization of a variance will not be of substantial detriment to the adjacent property or to the public good, and the granting of the variance will not harm the character of the district, they have found it's not going to allow higher structures to be built, it's not going to, from the evidence we have before us, harm other properties, so based on meeting those four requirements, moves to grant the variance on 1018 and 1010, respectively, passed unanimously.

IV. Adjourn

Motion was made by Jackie Edgerton, seconded by Michael Scruggs, to adjourn the Board of Zoning Appeals meeting at 4:46 p.m., passed unanimously.

Respectfully submitted,
Bridget Welch
Board of Zoning Appeals Staff


Chair, Elizabeth Tezza