

Board of Zoning Appeals
Minutes
August 14, 2007

I. Call to order

Chairman Guy Taylor called the regular meeting of the Board of Zoning Appeals to order on August 14, 2007 at 5:30PM in the Building Department Conference Room, 1301 Palm Boulevard. Other members present were Arnold Karig, Mike Layman and Tom Miller, also the zoning administrator, Douglas Kerr, was present. Mr. Kerr explained that the meeting was advertised in compliance with the Freedom of Information Act.

II. Nomination and election of Vice Chairman

Mr. Taylor explained that the first item on the agenda was to nominate and elect a Vice Chairman and he asked for nominations. Mr. Miller nominated Mr. Karig for Vice Chairman. Mr. Layman seconded the nomination and with no more nominations, the vote was unanimous in favor of electing Mr. Karig as Vice Chairman.

III. Approval of Minutes

The next item on the agenda was the review of the minutes of the June 12, 2007 meeting. Mr. Karig made a motion to approve the minutes as written and Mr. Miller seconded the motion. The vote was unanimous in favor of the motion.

III. Home Occupation

Mr. Taylor explained that the Board acted as a quasi-judicial body and that anybody wanting to present evidence or testimony would need to be sworn in and he then swore in all those wanting to address the Board.

608 Palm Boulevard

Mr. Kerr explained that the request was for a special exception to allow the establishment of a home office for a trash collection business at 608 Palm Boulevard. He explained that the applicant has indicated there would be no exterior evidence of a business, no clients coming to the house and no employees working in the residence other than the applicant.

The applicant, Mr. Schupp, explained that he prepared an invoice once a month at the house and this was the only business done at the home. Mr. Miller asked if any vehicles would be stored at the house. Mr. Schupp answered no, that all vehicles are stored at the City's Public Works Department. Mr. Layman made a

motion to approve the request and Mr. Miller seconded the motion. The vote was unanimous in favor of the request.

15 Yacht Harbor Court

Mr. Kerr explained that the request was for a special exception to allow the establishment of a food preparation business at 15 Yacht Harbor Court. He explained that the applicant has indicated there would be no exterior evidence of a business, no clients coming to the house and no employees working in the residence other than the applicant. He added that the applicant had been previously approved for a home occupation for piano lessons and that because the ordinance stipulated that only one business could operate at a home the piano business would no longer be able to operate.

Mr. Taylor asked if this would be a catering business. The applicant, Ms. Downing, explained that she had two products that she would be preparing at her home and delivering. Mr. Karig asked what volume she would be producing. Ms. Downing answered that it would be a small volume and the only two products would be shrimp and cocktail sauce. Mr. Karig made a motion to approve the request and Mr. Miller seconded the motion. The vote was unanimous in favor of the request.

IV. Variance

305 Carolina Boulevard

Mr. Taylor explained that the next case on the agenda was for a variance at 305 Carolina Boulevard. Mr. Kerr explained that the pertinent zoning sections are Section 5-4-33. Subsection (6) (a), which states that in the SR2 zoning district, lots that are nonconforming (less than 8000 square feet) have a front yard setback of 20 feet; and Section 5-4-12. Subsection (f), which states that steps can project into a required front yard and rear yard by not more than five (5) feet. He added that it was his opinion that because a ramp in front of a structure designed solely for accessing the structure is similar in use, purpose, and in most cases appearance to a set of stairs, it is entitled to same reduction in setback granted to front stairs by Section 5-4-12 (f).

Mr. Kerr explained that the applicant is requesting a variance from the front yard setback requirement to allow a front access ramp to encroach 15 feet into a 15-foot front setback (the ramp would be zero (0) feet from the front property line). He added that the applicant claims that the property is unique because of a drastic change in elevation between the road right-of-way and the house (12 feet

according to the applicant). He explained that the applicant claims that an unnecessary hardship will result when the standards of the ordinance are met because the only access will be through the underside of the house and the owner's uncle, who is handicapped, will be unable to access the house in the event of an emergency. Additionally, he explained that the applicant claims that the authorization of the variance will not adversely impact the neighboring properties, because the ramp is attractive in appearance.

Mr. Greg Xerras, who represents in owner in this case, explained that this property is the owner's second residence. He explained that the original house, which was removed, had a similar ramp and that the ramp is necessary to deal with the change in elevation between the house and the road. He presented the Board with a picture of the original structure with the crosswalk.

Mr. Taylor explained that when he visited the property he came in from 3rd Avenue. Mr. Xerras explained that this was the church's property and that they could not continue to use this access. Mr. Taylor explained that he felt that the hardship expressed in the application was that an uncle who might visit the owner is handicapped and in an emergency situation would have a difficult time exiting the house. He asked the applicant if he had investigated the possibility of a temporary ramp that could be installed when the emergency situation arose. Mr. Karig explained that he was very bothered by the fact that this request was being made after-the-fact and that he felt that the owner could have addressed these concerns in a different manner if he had planned better.

Mr. Xerras explained that the difference in elevation created an extreme hazard and that the property had the steepest change in elevation that could be found on the Isle of Palms. Mr. Karig asked if the owner was aware of the situation when he purchased the property. Mr. Xerras answered that he was, but that he knew he would have to request a variance. Mr. Taylor asked why he would not have made this request first and explained that now other impediments have been installed. Mr. Layman asked how someone would exit the house now. Mr. Xerras explained that there was a stairwell and an elevator under the house. Mr. Layman asked if a second set of stairs could be built in the front of the house instead of a ramp. Mr. Xerras answered yes, but that this would not change the situation created by the drastic change in elevation. Mr. Layman explained that this would at least give the owner a second means of egress in the event of an emergency.

Mr. Miller explained that he felt that he had not evaluated the house and the topography close enough and that he was therefore not ready to vote on the issue. Mr. Layman explained that the situation was complex and if Mr. Miller

needed additional time to look at the property he had no problems with continuing the case.

Mr. Taylor explained that he had requested the Board have legal representation present to give legal advice. Mr. Karig made a motion to go into executive session to receive legal advice and Mr. Miller seconded the motion. The vote was unanimous to go into executive session.

The Board came out of executive session and Mr. Taylor asked Mr. Xerras who was accompanying him and Mr. Xerras answered Joe Dickens, the construction superintendent on the project. Mr. Miller explained that he would like to see the interior of the building to better evaluate the situation. Mr. Karig asked what the owner's uncle's disability was. Mr. Xerras answered that he believed it was MS and he was in a wheelchair.

Mr. Layman explained that if Mr. Miller wanted to look at the structure closer, he had no problem with continuing the case until the next meeting and made a motion to continue the case. Mr. Miller seconded the motion and the vote was three to one (Mr. Karig) in favor of the motion.

V. Miscellaneous Business

Mr. Kerr explained that all Board members will have to complete at least three hours of continuing education to keep their state certification as a Board member and reminded that training dates are being offered by the Council of Governments.

VI. Adjournment

With no other business, the meeting was adjourned at 6:45pm.