

# TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

December 28, 2022



## MINUTES

### CALL TO ORDER

Present: Fox (Chair, virtual), Gorski, Leggett (Vice Chair), Williams

Absent: Pickney

Staff Present: Zoning Administrator Newman, Town Clerk/Treasurer Watkins

Vice Chair Leggett served as Chair of the meeting as Mr. Fox attended the meeting virtually.

The meeting was called to order at 1:00PM and Zoning Administrator Newman confirmed notice of this meeting was posted as described by the SC Freedom of Information Act.

### APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: September 6, 2022

Mr. Williams moved to approve the previous meeting minutes of September 6; Ms. Gorski seconded.

The previous meeting minutes of September 6 were approved unanimously.

### PUBLIC HEARING ITEMS

1. Variance #179

<b>APPLICANT:</b>	The Club at Seabrook Island
<b>ADDRESS:</b>	1701 Long Bend Drive
<b>TAX MAP NUMBER:</b>	149-01-00-001
<b>ZONING DISTRICT:</b>	RC (Recreation)
<b>CODE SECTION:</b>	§ 2.5.B01.c, Fence Material § 2.5.B.1.g, Fence Height
<b>VARIANCE REQUEST:</b>	1) To allow the use of chain link material for the construction of fencing in association with four proposed pickleball courts. 2) To allow the construction of 8' tall fences to surround four proposed pickleball courts.

Zoning Administrator Newman presented the request made by the Club at Seabrook Island at 1701 Long Bend Drive for the following:

1. To allow the use of chain link material for the construction of fencing in association with four proposed pickleball courts.

2. To allow the construction of 8' tall fences to surround the four proposed pickleball courts.

Zoning Administrator Newman noted that if the variance is approved, staff recommends adding the following:

- The approved variance shall apply to the site layout as shown on the site-specific plan prepared by the Applicant and reviewed by the Board on December 28, 2022. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the requirements of the town's DSO, shall require further review and approval by the Board of Zoning Appeals prior to permitting.
- The Applicant shall prepare and submit to the Zoning Administrator an as-built survey prior to the issuance of a Certificate of Occupancy (or within 30 days of passing the final inspection if no Certificate of Occupancy is required). The as-built survey shall be prepared and stamped by a professional land surveyor who is qualified to perform such services in the State of South Carolina.

Zoning Administrator Newman added the board should review the variance by the following criteria:

1. There are extraordinary and extraordinary and exceptional conditions pertaining to the particular piece of property
2. These conditions do not generally apply to other properties in the vicinity
3. 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 and
4. 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.

The Board clarified the current language in the Development Standards Ordinance (DSO) with regards to fencing and how it applies to the property.

The Board clarified the location of the fencing and if it will mirror the current fencing on the property.

Donny Podany, ELM | Ervin Lovett Miller, presented on behalf of the Club at Seabrook Island for the variance request at 1701 Long Bend Drive.

The Board inquired if the height of the fence is sufficient for the purpose requested.

The Board discussed how the variance fits the criteria as follows:

a) The property is the only racquet sports facility for the Club of Seabrook Island. Currently there are 15 tennis courts and two pickleball courts which each have 10' tall black vinyl chain link fencing and black wind screens. Additionally, the tennis and pickleball industries recommend fence height for tennis and pickleball courts of 10' or 12', with 10' being the most common height. The applicant also notes that chain link fencing allows for air flow across all courts.

b) There are no other properties in the vicinity of the subject property that have court facilities like those located at the Seabrook Island Racquet Club.

c) The application of the maximum fence height of 6' and the inability to use chain link fence material with screens would unreasonably restrict the Applicant's ability to construct the

courts to pickleball industry standards.

d) The addition of the courts to the Racquet Club will not be a detriment to adjacent property owners as the proposed improvements match the existing property use and add opportunities for increased member activity.

e) The adoption of the current Development Standards Ordinance by the Town of Seabrook Island, which does not address the height or materiality of pickleball & tennis industry standards, limits the ability of the Racquet Club to construct additional courts that meet industry standards. This hardship was not created by the Racquet Club.

f) A variance for the height and material of the fence will not allow the property to be used more profitably but will allow the Racquet Club to provide additional facilities to members.

Ms. Gorski moved to approve variance #179 with staff recommendations; Mr. Williams seconded. All voted in favor.

Variance #179 was approved with staff recommendations.

#### **ITEMS FOR INFORMATION / DISCUSSION**

None.

#### **ADJOURN**

Ms. Gorski moved to adjourn the meeting; Mr. Williams seconded. All voted in favor.

The meeting adjourned at 1:26PM

Date: January 13, 2023

Prepared by: *Katharine E. Watkins*  
Town Clerk/Treasurer