

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

January 18, 2019 – 2:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



MINUTES

Present: Walter Sewell (Chairman), Ava Kleinman, John Fox, Dick Finkelstein, Joe Cronin (Zoning Administrator)

Absent: Robert Leggett

Guests: None

Chairman Sewell called the meeting of the Board of Zoning Appeals to order at 2:30 PM. Zoning Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting was properly posted.

Chairman Sewell then welcomed Mr. Dick Finkelstein to the Board of Zoning Appeals. Mr. Finkelstein was appointed by council to fill the remainder of an unexpired term following Robert Quagliato's recent resignation from the board.

ELECTION OF CHAIR & VICE CHAIR FOR 2019

Chairman Sewell opened the floor for nominations for the position of chair. Ms. Kleinman nominated Walter Sewell to serve as chair for 2019. Mr. Finkelstein seconded the nomination. There being no further nominations, Chairman Sewell called for a vote on the nomination. The motion to elect Mr. Sewell as chair was **APPROVED** by a vote of 4-0.

Chairman Sewell then opened the floor for nominations for the position of vice chair. Chairman Sewell nominated Ava Kleinman to serve as vice chair for 2019. Mr. Fox seconded the nomination. There being no further nominations, Chairman Sewell called for a vote on the nomination. The motion to elect Ms. Kleinman as vice chair was **APPROVED** by a vote of 4-0.

APPOINTMENT OF SECRETARY FOR 2019

Chairman Sewell nominated Zoning Administrator Cronin to serve as Secretary to the Board for 2019. Mr. Fox seconded the nomination. There being no further nominations, Chairman Sewell called for a vote on the nomination. The motion to appoint Zoning Administrator Cronin as secretary was **APPROVED** by a vote of 4-0.

APPROVAL OF MINUTES

1. **Board of Zoning Appeals Meeting: November 8, 2018:** Ms. Kleinman noted a typo on page 7 of the draft minutes (“...from a legal standpoint, the Board shouldn’t address questions ~~or~~ of intent if there is a plain meaning in the ordinance.”). Ms. Kleinman made a motion to approve the minutes from the November 8, 2018, meeting as amended. Mr. Fox seconded the motion. The motion was **APPROVED** by a vote of 4-0.

ITEMS FOR INFORMATION / DISCUSSION

1. **Update to Application Forms:** Zoning Administrator Cronin stated that he was in the process of finalizing an electronic version of the new application forms. He added that the forms should be ready for review and approval when the Board meets again to review the minutes from the January 29th meeting.
2. **Update on the Status of Previous Variances:** Zoning Administrator Cronin provided an update on the status of Variance #131, which was approved by the Board in 2004. He stated that the town has no records indicating that the owner of Cotton Island (Tax Map # 149-00-00-004) ever moved forward with obtaining a permit and installing a septic system in lieu of connecting to the town’s utility system, as allowed by the variance. He added that town staff is currently seeking records from SCDHEC to determine if a septic system was ever installed at the site, as well as whether the expansion of the existing dock had been reviewed and permitted by OCRM. If staff is unable to identify any records of the septic system being installed, then the town will notify the current owner that the 2004 variance is now expired. In addition, he noted that the Development Standards Ordinance (DSO) was subsequently amended to remove the zoning requirement that new development be connected to the town’s utility system. That section was instead placed under the utility section of the Code of Ordinances. If the current owner were to seek a renewal of the 2004 variance, the Board of Zoning Appeals would no longer have jurisdiction over the request, as it is no longer a part of the town’s zoning requirements. Therefore, only Town Council could modify the utility requirements.

SITE VISITS

Zoning Administrator Cronin distributed copies of the following variance applications to members of the Board and provided a brief overview of each request:

- **Variance #157:** 2633 Seabrook Island Road (To reduce the 25’ Marsh Setback)
- **Variance #158:** 2959 Seabrook Island Road (To exceed the 36’ Maximum Building Height)

Prior to departing for the site visits, Zoning Administrator Cronin stated that public notice of the site visits had been provided, pursuant to the Freedom of Information Act. He stated that the agenda for today’s meeting contained the following provision: *“These site visits will take place behind the Seabrook Island Property Owners Association security gate. Any individual wishing to observe one or both site visits who does not have access behind the security gate should contact (843) 768-5321 for assistance prior to the meeting.”* He added for the record that no one from

the public was present at the meeting, and that no one had requested access behind the security gate for the purpose of observing the site visits. Zoning Administrator Cronin noted that the purpose of each site visit was for observational purposes only, and no testimony would be heard pertaining to the variance application.

The meeting was recessed at approximately 3:45 PM. Board members then traveled individually to 2959 Seabrook Island Road. Staff members at Town Hall were notified that the Board was traveling to the sites, and anyone coming to Town Hall to observe one or both site visits should be directed to those locations.

1. **2959 Seabrook Island Road (Tax Map # 149-10-00-036 – Lot 12-B, Block 42)**: The Board reconvened at approximately 3:57 PM at 2959 Seabrook Island Road. Board members observed the site, as well as neighboring properties in the vicinity of the site. Board members asked general questions regarding the proposed variance; however, no testimony was received. Mr. Patrick Nichols of 2961 Seabrook Island Road observed the site visit.

Mr. Fox left the meeting at approximately 3:59 PM.

The meeting was again recessed at approximately 4:09 PM. Board members then traveled individually to 2633 Jenkins Point Road to conduct the second site visit.

Ms. Kleinman left the meeting at 4:10 PM.

2. **2633 Jenkins Point Road (Tax Map # 149-00-00-046 – Lot 34, Block 52)**: The Board, which now lacked a quorum, reconvened at approximately 4:22 PM at 2633 Jenkins Point Road. Board members observed the site, as well as neighboring properties in the vicinity of the site. Board members asked general questions regarding the proposed variance; however, no testimony was received. There were no observers present.

There being no further business, the meeting was adjourned at 4:36 PM.

Minutes Approved: January 29, 2019



Joseph M. Cronin
Zoning Administrator