

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

February 28, 2019 – 2:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



MINUTES

Present: Walter Sewell (Chairman), Ava Kleinman, Bob Leggett (Arrived 3:10 PM), John Fox, Dick Finkelstein, Joe Cronin (Zoning Administrator)

Absent: None

Guests: Clarkson McLean, Deborah Ott, Chris Eller, David Rust

Chairman Sewell called the meeting of the Board of Zoning Appeals to order at 2:33 PM. Zoning Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting was properly posted.

APPROVAL OF MINUTES

1. **Board of Zoning Appeals Meeting: January 29, 2019:** Mr. Fox made a motion to approve the minutes from the January 29, 2019, meeting as submitted. Mr. Finkelstein 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 provided members of the Board with a draft copy of the new variance application form. He reviewed the layout and content of the new form, and stated that once it was implemented, an applicant would now be able to download and complete the form electronically. He also reviewed the list of items which an applicant would be required to submit when making a request for a variance. Board members were satisfied with the new layout and thanked town staff for undertaking this effort. Ms. Kleinman noted that applicants would now be required to submit a letter of approval from any applicable property owners' association and/or regime with their application. She added that SIPOA will sometimes hold off on approving a request until they knew whether a variance has been approved. Zoning Administrator Cronin recommended that the section be amended to require either a letter of approval or a letter of acknowledgement stating that the request was not prohibited by any covenants and restrictions, but that approval would not be granted until the outcome of the variance had been decided.

Chairman Sewell recommended that Board members review the draft form and be prepared to vote on its adoption when the Board meets again to review the minutes from the March 22nd 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 was able to obtain copies of a permit from SCDHEC which authorized the owner of Cotton Island (Tax Map # 149-00-00-004) to install a septic system; however, it was still unclear at this point if that system was ever actually installed. He stated that the town has no record of a town permit ever being issued. He added that SCDHEC was still reviewing its records.
3. **Discussion of New Construction Permit Requirements:** Chairman Sewell reviewed the town's "New Construction Permit Requirements" form and stated that he thought this document should be updated. He noted that handwritten sections made the document look unprofessional. Zoning Administrator Cronin agreed that the form needs to be updated as part of the town's effort to modernize all of its forms; however, he also recommended that some of the policies referenced in the form should be updated as well. For example, one section requires an applicant to certify that they would not request a variance. He added that, in his opinion, the town could not preclude an applicant from requesting something that they have a legal right to request under state law. These types of changes will require amendments to the town's Development Standards Ordinance. He stated that his intent was to amend the form once the town completes a comprehensive review and update of the ordinance.

Mr. Leggett arrived at 3:10 PM.

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 #159:** 2566 Seabrook Island Road (To reduce the 25'/15' marsh setback requirement to allow installation of a pool/spa and paver patio/fire pit)
- **Variance #160:** 3009 Rascal Run (To reduce the 25' marsh setback to allow for conversion of an existing enclosed sunroom into conditioned living space)

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 one individual, Mr. McLean (applicant for 3006 Rascal Run), was present at the meeting and that no other individuals 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 3:43 PM. Board members then traveled individually to 2566 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. **2566 Seabrook Island Road (Tax Map # 147-01-00-033 – Lot 49, Block 12)**: The Board reconvened at approximately 3:54 PM at 2566 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 request; however, no testimony was received. Ms. Deborah Ott (owner), Mr. Chris Bonner and Mr. David Rust were present at the site and observed the site visit.

The meeting was again recessed at approximately 4:05 PM. Board members then traveled individually to 3009 Rascal Run to conduct the second site visit. Mr. Leggett and Mr. Finkelstein left the meeting at that time.

2. **3009 Rascal Run (Tax Map # 149-05-00-059 – Lot 5, Block 48)**: The Board reconvened at approximately 4:17 PM at 3009 Rascal Run. 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. Clarkson McLean (owner) was present at the site and observed the site visit.

Ms. Kleinman left the meeting at 4:21 PM.

There being no further business, the meeting was adjourned at 4:28 PM.

Minutes Approved: March 22, 2019



Joseph M. Cronin
Zoning Administrator