

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting
October 25, 2023



MINUTES

CALL TO ORDER

Present: Palmer, Pinckney, Williams, Cross

Absent: Leggett

Staff Present: Zoning Administrator Newman, Assistant Town Administrator Watkins

The meeting was called to order at 1:05PM by Assistant Town Administrator Watkins as the secretary for the Board of Zoning Appeals (BZA).

ELECTION OF ACTING CHAIR FOR OCTOBER 25 BZA MEETING

Mr. Williams nominated Elizabeth Palmer to be acting Chair for the October 25 BZA Meeting; Mr. Pinckney seconded. All voted in favor.

Ms. Palmer was elected to be acting Chair for the October 25 BZA meeting.

APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: March 22, 2023

Ms. Williams moved to approve the previous meeting minutes of March 22; Mr. Pinckney seconded. A vote was taken as follows:

Ayes: Pinckney, Williams, Palmer

Abstain: Cross

The previous meeting minutes of March 22 were approved.

PUBLIC HEARING ITEMS

1. Variance #182

APPLICANT:	Noel Kade (Applicant) Robert & Tara Patton (Owner)
ADDRESS:	1172 Oyster Catcher Court
TAX MAP NUMBER:	149-13-00-017
ZONING DISTRICT:	R-SF1 (Large Lot Single-Family)
CODE SECTION:	§ 10.5.A.1, Critical Area Setbacks § 10.5.B.1, Waterbody Setbacks
VARIANCE REQUEST:	1) To allow approximately 7'-2" of pervious plantation mix driveway to encroach for a length of approximately

118' into the required 25' critical area setback.
2) To allow approximately 7'-2" of pervious plantation mix driveway to encroach for a length of approximately 118' into the required 25' waterbody setback.

Zoning Administrator Newman presented Variance #182 for the following requests at 1172 Oyster Catcher Court: 1) To allow approximately 7'-2" of pervious plantation mix driveway to encroach for a length of approximately 118' into the required 25' critical area setback, 2) To allow approximately 7'-2" of pervious plantation mix driveway to encroach for a length of approximately 118' into the required 25' waterbody setback.

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

- The approved variance shall apply to the driveway layout as shown on the site-specific plan prepared by the Applicants and approved by the Board on October 25, 2023. 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 BZA prior to permitting.
- The Applicants 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.
- The variance shall become null and void if the Applicants (or a subsequent property owner) fail to obtain a building permit prior to the effective date of any changes to the SCDHEC-OCRM beachfront jurisdictional line and/or beachfront setback line affecting the subject property.

Discussions were had with members of the board with Zoning Administrator Newman related to the variance request based on Zoning Administrator Newman's presentation.

Tara Patton, owner of 1172 Oyster Catcher Court, noted the information given in the staff presentation fulfilled their presentation and did not present to the board unless needed. The board noted they did not need to present unless they would like to.

Chair Palmer moved to approve the request conditions as staff presented and meets the state criteria as follows:

- a. The subject property is unique and uncharacteristic of most of the lots in the Town of Seabrook Island.
- b. There are no other lots within the general vicinity of the subject property that have the same or even similar shape as the subject property.
- c. The inability to develop the lot unreasonably restricts and prohibits the utilization of the property.
- d. The proposed variance will not affect the surrounding properties.
- e. The hardship is not self-created.
- f. The granting of the variance will provide the necessary vehicular access to the lot.

Mr. Williams seconded. All voted in favor.

Variance #182 was approved.

2. Variance #183

APPLICANT:	Garris Killingsworth Applicant) Emily Hemsath (Owner)
ADDRESS:	3764 Seabrook Island Road
TAX MAP NUMBER:	149-13-00-001
ZONING DISTRICT:	R-SF2 (Residential Single-Family)
CODE SECTION:	§ 10.4.B.3, Oceanfront & North Edisto River Setbacks § 5.3.B, Residential Setbacks
VARIANCE REQUEST:	1) To allow 626 square feet of permeable walkway to encroach 16'-8" into the required 30' Oceanfront Setback. 2) To allow 37 square feet of plantation mix walkway to encroach 10'-3" into the required 30' Front Yard Setback. 3) To allow 121 square feet of permeable herringbone paver walkway to encroach 12'6" into the required 30' Front Yard Setback.

Zoning Administrator Newman presented Variance #183 for the following requests at 3764 Seabrook Island Road: 1) To allow 626 square feet of permeable walkway to encroach 16'-8" into the required 30' Oceanfront Setback, 2) To allow 37 square feet of plantation mix walkway to encroach 10'-3" into the required 30' Front Yard Setback, 3) To allow 121 square feet of permeable herringbone paver walkway to encroach 12'6" into the required 30' Front Yard Setback.

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

- The approved variance shall apply to the driveway layout as shown on the site-specific plan prepared by the Applicants and approved by the Board on October 25, 2023. 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 BZA prior to permitting.
- The Applicants 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.
- The variance shall become null and void if the Applicants (or a subsequent property owner) fail to obtain a building permit prior to the effective date of any changes to the SCDHEC-OCRM beachfront jurisdictional line and/or beachfront setback line affecting the subject property.

Discussions were had with members of the board with Zoning Administrator Newman related to the variance request based on Zoning Administrator Newman's presentation.

Zoning Administrator Newman noted there were 4 comments submitted prior to the meeting and copies were given to the members.

Garris Killingsworth, the applicant, presented their variance request at 3764 Seabrook Island Road.

Discussions were had with members of the board and the applicant related to their request.

Discussions were had with members of the board on how the request fits the state criteria.

Mr. Pinckney moves to approve the variance as presented with staff's recommendations and fits the state criteria as follows:

- a. The subject property is unique and uncharacteristic of most of the lots in the Town of Seabrook Island.
- b. There are no other lots within the general vicinity of the subject property that have the same or even similar shape as the subject property.
- c. The inability to develop the lot unreasonably restricts and prohibits the utilization of the property.
- d. The proposed variance will not affect the surrounding properties.
- e. The hardship is not self-created.
- f. The granting of the variance will not increase the financial value of the property, rather it is the capability of the owners to be able to walk around their proposed new home.

Mr. Williams seconded. All voted in favor.

Variance #183 was approved.

ITEMS FOR INFORMATION / DISCUSSION

Mr. Cross moved to recommend the Planning Commission to better define STRUCTURE in the Development Standards Ordinance to include pervious materials in Table 2.4 E as allowable encroachments; Mr. Pinckney seconded. All voted in favor.

Discussions and clarifications were had with members of the audience.

The recommendation for the Planning Commission to better define STRUCTURE in the Development Standards Ordinance to include pervious materials in Table 2.4 E as allowable encroachments was approved.

ADJOURN

The Board unanimously voted to adjourn the meeting.

The meeting adjourned at 2:21PM

Date: October 25, 2023

Prepared by: *Katharine E. Watkins*
Assistant Town Administrator

Note: These minutes are not verbatim minutes. To listen to the meeting, please use the following link:
<https://www.youtube.com/@townofseabrookisland5287/streams>