

# TOWN OF SEABROOK ISLAND

## Board of Zoning Appeals Meeting

October 29, 2018 – 2:30 PM

Town Hall, Council Chambers  
2001 Seabrook Island Road



## MINUTES

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

Absent: Bob Leggett (Vice Chairman)

Guests: Tommy Berl (Surfside Construction)

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: August 29, 2018:** Mr. Quagliato made a motion to approve the minutes from the August 29, 2018, meeting of the Board of Zoning Appeals, as submitted. Ms. Kleinman seconded the motion. The motion was **APPROVED** by a vote of 4-0.

### NEW BUSINESS ITEMS

1. **Text Amendment: Administration & Appeals (Variances):** Zoning Administrator Cronin provided a brief overview of the draft ordinance, the purpose of which was to amend § 19.30.20 of the town's Development Standards Ordinance relating to variances. Zoning Administrator Cronin explained that the purpose of this ordinance is to:
  - Require the use of a standard variance application form and the payment of applications fees;
  - Allow the Zoning Administrator to require supplemental application materials which may be "reasonably necessary to assist the board with its review of the application;"
  - Require that a public hearing be held no earlier than 30 days, nor later than 60 days, after an application is received;
  - Transfer the responsibility for providing notification to neighboring property owners from the applicant to the Zoning Administrator;

- Require advertisement of the public hearing in a newspaper of general circulation at least 15 days in advance of the hearing;
- Require posting of the property at least 15 days in advance of the hearing; and
- Requiring notice to any “interested parties” who have requested notification of zoning proceedings at least 15 days in advance of the hearing.

Ms. Kleinman made a motion to recommend in favor of approval of the ordinance. Mr. Quagliato seconded the motion. The motion was **APPROVED** by a vote of 4-0.

## ITEMS FOR INFORMATION / DISCUSSION

1. **Status of Previous Variances:** Zoning Administrator Cronin stated that staff had conducted a partial review of variances which were previously approved by the Board of Zoning Appeals. This review covered a period of 22 years (1996-2018) and included all variances which were entered into the town’s electronic database. This review focused on variance requests which were approved by the Board of Zoning Appeals, were for a lot which was vacant at the time at the time of the request, and despite the variance request being approved, there was no record of the application obtaining a building permit or otherwise exercising its development rights authorized by the variance.

The initial review included a total of 64 variances (Variance #93 through #157). Zoning Administrator Cronin stated that of these, only one variance was identified which appeared to meet all three criteria: Variance #131, which was approved in 2004, and allowed the owner of Cotton Island (Tax Map # 149-00-00-004) to install a septic system in lieu of connecting to the town’s utility system.

Ms. Kleinman asked what the next steps were for this variance. Zoning Administrator Cronin responded that staff would first attempt to verify whether SCDHEC had any record of a septic system being installed on Cotton Island. Staff would also continue to review the town’s DSO to see if there were any changes which would render this variance moot. Absent any changes, staff would notify the current property owner that the 2004 variance had expired.

Zoning Administrator Cronin stated that staff will continue to go through older variances (1987-1996) to determine whether there are additional properties which meet these three criteria. Because these older records have not been digitized, it will take significantly longer to review and document these cases. Staff will continue to keep board members updated as additional properties are identified.

2. **Update to Application Forms:** Zoning Administrator Cronin stated that staff is continuing to work on the new application forms. Once the amendments to § 19.30.20 are approved by Town Council, the new forms will be brought back to the Board for review and approval.

- 3. Discussion of New Website & Public Comment Portal:** Zoning Administrator Cronin notified Board members that the town is currently working on a new town website. As part of this project, the town will be able to solicit and accept online comments from the public on pending ordinances. Zoning Administrator Cronin stated that once this tool was put into place, the Board of Zoning Appeals could also choose to accept public comments on pending variance applications and appeals through the new website. Members of the Board expressed support for the idea of receiving public comments through the new website. Zoning Administrator Cronin noted that all comments would become part of the public record, and would be shared with Board members in advance of each public hearing.

## SITE VISIT

- 1. 2633 Jenkins Point Road (Tax Map # 149-00-00-046 – Lot 34, Block 52):** Zoning Administrator Cronin stated that the town had received an appeal of the Zoning Administrator's decision relating to the denial of a zoning permit for construction of a pergola at 2633 Jenkins Point Road. He stated for the record that since this would be an appeal of a decision he made in his official role as Zoning Administrator, he felt that a conflict of interest would exist if he also served as board secretary during the public hearing scheduled for Thursday, November 8<sup>th</sup>. He stated that he has asked the Town Attorney if he, or someone from his office, could serve as Acting Secretary during the meeting, but was still waiting back for confirmation.

Chairman Sewell stated that the Board had requested an opportunity to visit 2633 Jenkins Point Road in advance of a public hearing on Appeal #38, which will take place at 2:30 PM on Thursday, November 8<sup>th</sup>. Chairman Sewell noted that the purpose of the visit was for observational purposes only, and that no testimony would be heard pertaining to the variance application. Zoning Administrator Cronin stated that a full agenda packet, with attachments, would be provided to the Board and posted publicly in advance of the public hearing.

Prior to departing for the site visit, Zoning Administrator Cronin noted that public notice of the site visit had been provided, pursuant to the Freedom of Information Act. He stated that the agenda for today's meeting contained the following provision: *"This site visit will take place behind the Seabrook Island Property Owners Association security gate. Any individual wishing to observe the site visit 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. Tommy Berl of Surfside Construction, was present at the meeting on behalf of the property owner. No one else had requested access behind the security gate for the purpose of observing the side visit.

Chairman Sewell explained the difference between a variance and an appeal, and also noted similarities between the pending request and one which was considered by the Board in 2014.

The meeting was recessed at approximately 3:35 PM. Board members then traveled individually to 2633 Jenkins Point Road. Staff members at Town Hall were notified that the Board was traveling to the site, and anyone coming to Town Hall to observe the site visit may be directed to that location.

The Board reconvened at approximately 3:49 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 related to the request and the town's zoning requirements; however, no testimony was received. The site visit lasted approximately 21 minutes.

There being no further business, the meeting was adjourned at 4:10 PM.

Minutes Approved: November 8, 2018



Joseph M. Cronin  
Zoning Administrator