

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

March 22, 2023



MINUTES

CALL TO ORDER

Present: Leggett, Palmer (Virtual), Pinckney, Williams

Absent: Fox

Staff Present: Zoning Administrator Newman

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.

ELECTION OF CHAIR AND VICE CHAIR

Mr. Pinckney moved to nominate John Fox as Chair; Ms. Palmer seconded. All voted in favor.

Mr. Fox was appointed as the Chair.

Mr. Pinckney moved to nominate Bob Leggett as Vice Chair; Ms. Palmer seconded. All voted in favor.

Mr. Leggett was appointed as the Vice Chair.

APPROVAL OF MINUTES

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

Ms. Palmer moved to approve the previous meeting minutes of February 22; Mr. Leggett seconded. All voted in favor.

The previous meeting minutes of February 22 were approved.

PUBLIC HEARING ITEMS

1. Variance #181

APPLICANT:	Malcom Brennan (Applicant) Michael Martin (Owner)
ADDRESS:	2919 Deer Point Drive
TAX MAP NUMBER:	149-14-00-027
ZONING DISTRICT:	R-SF2 (Residential Single-Family)
CODE SECTION:	§ 10.5.A.1, Critical Area Setbacks
VARIANCE REQUEST:	1) To allow 444 square feet of proposed open deck to encroach 8'-9" into the required critical area setback.

- 2) To allow 42 square feet of proposed exterior stair to encroach 4'-1" into the required critical area setback.
- 3) To allow 19 square feet of proposed permeable paving to encroach 4'-1" into the required critical area setback.

Zoning Administrator Newman presented the request made by the Applicant Malcom Brennan at 2919 Deer Point Drive for the following:

- To allow 444 square feet of proposed open deck to encroach 8'-9" into the required critical area setback
- To allow 42 square feet of proposed exterior stair to encroach 4'-1" into the required critical area setback.
- To allow 19 square feet of proposed permeable paving to encroach 4'-1" into the required critical area setback.

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

- The approved variance shall apply to the building layout as shown on the site-specific plan prepared by the Applicants and reviewed by the Board on March 22, 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 Board of Zoning Appeals.
- 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 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.

The Board inquired if any comments were received by neighboring property owners and if any other properties are smaller than the minimum lot size on Seabrook Island.

Malcom Brennan, M. Brennan Architects, presented the variance request at 2919 Deer Point Drive.

The Board clarified how the applicant was not penalized with the changes in the Development Standards Ordinance (DSO).

The Board inquired to the applicant tried to change the design to reduce the encroachment into the critical area setback.

Michael Martin, the owner, thanked the board for their time with the request.

Ms. Palmer noted the variance meets the criteria as follows:

- A) The size and shape of the subject property are unique conditions.

- B) The unique size and shape of the property does not appear to apply to other properties in the vicinity.
- C) Strict application of the DSO to this piece of property in combination with the unique size and shape of the lot restricts the utilization of the property.
- D) The requested variance has no impact on the existing zoning/character of the surrounding area.
- E) The use of the subject property is not changed by the granting of the requested variance.
- F) The variance request is not for profitability.
- G) The necessity for the variance is not the owner's fault.

The Board noted there are other non-conforming properties on the island and the applicant request protects the frontal dune on the property.

Ms. Palmer noted to approve variance 181 as she outlined and with staff's recommendations; Mr. Williams seconded. All voted in favor.

Variance #181 was approved with staff's recommendations.

ITEMS FOR INFORMATION / DISCUSSION

None.

ADJOURN

The Board unanimously voted to adjourn the meeting.

The meeting adjourned at 1:34PM

Date: March 10, 2023

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