

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

September 6, 2022



MINUTES

CALL TO ORDER

Present: Fox, Pickney, Williams

Absent: Gorski, Leggett

Staff Present: Zoning Administrator Newman, Town Clerk/Treasurer Watkins

The meeting was called to order at 9:30AM.

ELECTION OF CHAIR AND VICE CHAIR

Mr. Pickney moved to appoint John Fox as Chair of the Board of Zoning Appeals; Mr. Williams seconded. All voted in favor.

Mr. Fox was appointed Chair of the Board of Zoning Appeals.

Mr. Pickney moved to appoint Bob Leggett as Vice Chair of the Board of Zoning Appeals; Mr. Williams second. All voted in favor.

Mr. Leggett was appointed Vice Chair of the Board of Zoning Appeals.

APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: October 7th, 2021

Mr. Pickney noted some scrivener's errors for staff prior to posting. Ms. Watkins noted these errors will be corrected prior to posting the approved minutes.

Mr. Pickney moved to approve the previous meeting minutes of October 7th, 2021; Mr. Williams seconded. All voted in favor.

The previous meeting minutes of October 7th, 2021 were approved.

PUBLIC HEARING ITEMS

1. Variance #178

| | |
|------------------------|---|
| APPLICANT: | Bill Senst (Applicant) Frank Randazzo & Anna Moca (Owners) |
| ADDRESS: | 2931 Deer Point Drive |
| TAX MAP NUMBER: | 149-14-00-024 |

ZONING DISTRICT: R-SF2 (Residential Single Family)
CODE SECTION: § 10.5.A.1, Critical Area Setback
VARIANCE REQUEST: 1) To reduce the required 25' critical area setback to 22'-5 ¼" to allow for a staircase and elevator.
2) To reduce the required 25' critical area setback to 15'-2 ¼" to allow for a first-floor open deck, outdoor shower, and HVAC stand.

Zoning Administrator Newman presented the request made by Bill Senst, Frank Randazzo, and Anna Moca at 2931 Deer Point Drive for the following:

- 1) To reduce the required 25' critical area setback to 22'-5 ¼" to allow for a staircase and elevator.
- 2) To reduce the required 25' critical area setback to 15'-2 ¼" to allow for a first-floor open deck, outdoor shower, and HVAC stand.

Mr. Senst, applicant, summarized the request for the variance in two separate sections (stairs & open setback) and would like clarification on the open space rear requirements are within the new Development Standards Ordinance (DSO).

The Board clarified the square footage of the home.

Ms. Moca, owner, commented on the variance as the owner and would like to comply with the regulations of Seabrook Island.

Zoning Administrator Newman clarified the open setback encroachments to the open deck with regards to the current DSO as of July 1, 2022, and the previous DSO, and the definition of open space within the DSO.

Mr. Randazzo, owner, noted to the board that he is handicapped which is the need for the encroachment into the critical area with regards to the staircase and elevator. Mr. Randazzo added the open deck will add to the character of the home and fit within the character of the neighborhood.

The Board discussed with the applicant the type of disability the applicant has.

The Board discussed where the elevator and staircase are proposed on the property and how far it is from the garage.

Zoning Administrator Newman reviewed the review criteria the Board should consider when voting on the variance according to State Law and the new DSO.

Katrina Burrell, Director of Administration & Architectural Review at the Seabrook Island Property Owners Association (SIPOA), summarized the review process by SIPOA and added they reviewed the proposed variance and noted the applicants and owners would not need another review by SIPOA if the variance is approved.

The Board clarified the decks and which ones are open vs. covered.

Ms. Moca described the location of the lot with regards to Marsh Gate and how the proposal will go with the aesthetics of the community.

The Board discussed some of the public comments received from Old Forrest Road and asked the applicants if they discussed the variance with the neighboring properties.

Joan Carney, 2938 Deer Point Drive, questioned the type of materials being used under the proposed two decks. Mr. Senst clarified that the material that will be used will be pervious materials.

Leo Marien, 2927 Deer Point Drive, noted the owners that have requested the variance have not discussed what has been proposed, and summarized the photos he submitted for the board to consider.

The Board clarified the encroachment area and asked Zoning Administrator if this will add to water issues as described by the neighboring properties. Zoning Administrator Newman noted what staff takes into consideration when reviewing a variance.

Zoning Administrator Newman noted the section of the DSO with regards to the Town's regulations for the elevator.

Mr. Fox commented in approval on the request by the criterion set by State Law as follows:

- The proposed variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by granting the variance.
- There are extraordinary and exceptional conditions to the property.
- The conditions do not generally apply to other properties in the vicinity
- The application of the ordinance to the property would effectively prohibit or unreasonably restrict the utilization of the property.

The Board discussed the criterion as set by State Law to see if the variance falls into the categories as specified by Mr. Fox.

John Lassiter, 2928 Deer Point Dr, clarified when he met with the applicants and the applicants did not attempt to discuss the proposal with the neighbors. Mr. Lassiter commented on the location on the placement of the elevator and discussions had with Zoning Administrator Newman. Mr. Lassiter further commented on the vacant lots on the street and the water levels along Deer Point Drive.

The Board had a discussion with Mr. Lassiter with regards to his comments.

Joan Carney clarified what the next steps of the variance process if this approved. Zoning Administrator Newman summarized the required steps if the variance is approved.

Mr. Senst responded to comments made by the audience and by members of the board.

Mr. Pickney moved to approve the variance; Mr. Williams seconded. All voted in favor.

The variance was approved.

Zoning Administrator Newman reviewed how the variance request is applicable to the criterion according to State Law and the new DSO, and the additional criterion as staff recommended.

Mr. Pickney moved to approve with the criteria with regards to staff recommendations and the State

criteria as noted by Mr. Fox previously in the meeting; Mr. Williams seconded. All voted in favor.

The criteria to the variance were approved.

ITEMS FOR INFORMATION / DISCUSSION

1. Discussion of staff proposal to have regularly scheduled Board of Zoning Appeals meeting dates.

Zoning Administrator Newman noted with the new regulations of the DSO and proposed having a set meeting date on the 4th Wednesday of every month.

Mr. Pickney prior to leaving at 11:00AM that he was in favor of having a set meeting date.

Mr. Fox noted the previous procedures for the Board of Zoning Appeals with a second meeting with a site visit. Zoning Administrator Newman noted the process moving forward.

ADJOURN

Mr. Fox adjourned the meeting at 11:01AM.

Date: December 14th, 2022

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