

TOWN OF EDISTO BEACH
ZONING BOARD OF APPEALS

Monday, August 19, 2019
5:00 P.M.
Regular Meeting

THESE MINUTES ARE NOT VERBATIM, BUT DO ACCURATELY REFLECT THE PROCEEDINGS.

Members attending: Marie Bost, Beverly Sandifer, Sally Altman, Joe Dreher. Bill Davies. Susan Pratt and Marci Cook were absent with prior notification.

Staff attending: Margaret Green and Patrick Brown

With a quorum present, Marie Bost called the meeting to order at 5:00 p.m.

Review of Transcribed Minutes – July 1, 2019

Chair Marie Bost asked for a motion to accept the transcribed minutes from the July 1, 2019 meeting as presented. Member Joe Dreher made a motion to approve the minutes, with Sally Altman seconding. The transcribed minutes were **approved unanimously**.

Old Business: None

New Business:

Appeal No. 2019-04, by the Owners of a property in the C-3 District, 102 Palmetto Blvd, for a variance from Sec. 86-171 (a) (4) of the Zoning Ordinance to allow for construction of canopies over existing open decks on South and West elevations.

Chair Marie Bost read the 4 criteria necessary to grant a variance. Ms. Bost also read the variance request and asked all parties who may speak during this portion of the hearing to stand and take the oath. The oath was administered. She asked those who stood to state their name and explain the reason for attending the meeting. Those who stood were Patrick Brown, Building Code Administrator and Reggie Watts, representing the owners. She asked that the record reflect that all parties who stood had been properly sworn and placed under oath to tell the truth.

The representative for the applicant, Reggie Watts, was asked to come forward and present the request for variance. Mr. Watts explained that the owners would like to have a roof/canopy over the front deck and the side deck of the property. The primary reason stated is for protection from the sun for the customers. The canopies would be structured as lean-to type, like Sgt. Pepper's Pizza.

Patrick Brown, Building Code Administrator spoke next and gave background on the reason the applicants are asking for a variance to be granted. He explained that both decks are within the Town's set-back lines. They are considered "legally non-conforming" at this time. The staff of the Building Department cannot

approve a permit to increase or enlarge the non-conformity, unless a variance is granted. He also distributed a letter from OCRM which the applicants obtained granting permission to build the canopies.

Chair Bost called for a motion. Bill Davies made a motion that the applicant has met the 4 criteria to grant the variance. Sally Altman seconded, thus opening discussion.

Marie Bost expressed concern that granting the variance would set a precedent which would open the ZBA to countless variance requests. Mr. Brown explained that each variance request stands on its own and no future applicant can use a previously granted variance as a reason to grant their own request.

Mr. Davies referred to the OCRM letter which granted permission to build the canopies provided that doing so did not expand the footprint of the building. In Mr. Watts' description of the project, he stated that the canopies would have a two-foot overhang. Mr. Brown confirmed that the overhang would not be allowed given the stipulation in the OCRM letter, but that if the variance was granted, the stipulation of no overhang could be included as a special condition.

Mr. Watts explained that the canopies were designed with the overhang because it's customary for there to be an overhang and it allows for better drainage away from the structure. He also stated that if the design needed to be changed to eliminate the overhang, the design could be adjusted. Mr. Davies asked Mr. Brown to confirm that the two-foot overhang would increase the footprint. Mr. Brown confirmed.

There was additional discussion between members that applicants have come before the ZBA and stated that the ZBA granted a request for someone else with a similar case. Ms. Bost expressed concern that there would be an onslaught of appeals if the variance was granted. She also expressed that in granting the motion, it could negate the effectiveness of the ordinance as written.

There being a motion, a second and discussion, Chair Bost called for the vote on the motion. The motion to grant the variance was **denied by a vote of 1 in favor (Joe Dreher) and 4 against.**

There being no more business before the ZBA, Bill Davies made a motion to adjourn. Joe Dreher seconded the motion which was **approved unanimously.**

Freedom of Information Act, § 30-4-80(3) was complied with.

APPROVED BY THE ZONING BOARD OF APPEALS



Submitted by Margaret Green

Secretary of the Zoning Board of Appeals, Town of Edisto Beach

A digital recording of this meeting is on file at Town Hall