

TOWN OF EDISTO BEACH
ZONING BOARD OF APPEALS

Wednesday, September 25, 2024
5:00 P.M.
Special Meeting

Members attending: Ned Kuntz, William Davies, Beverly Sandifer, Pat Kostell & Stephanie Renner
Ron Scroggy and Heather Johnson absent with prior notice

Staff attending: Tammy Lake, Morgan Viars and Patrick Brown

With a quorum present, Chair Ned Kuntz called the meeting to order at 5:00 p.m.

Review of Minutes – June 17, 2024

Chair Ned Kuntz asked for a motion to accept the minutes from the June 17, 2024 meeting. Member Beverly Sandifer made a motion to approve the minutes, with Pat Kostell seconding. The minutes were **approved unanimously**

Unfinished Business: Appeal No. 2024-02. Chairman Kuntz reviewed the appeal and why a continuance was requested by the Zoning Board from the previous meeting. With discussion tabled pending legal advice, the board moved to New Business.

New Business: Receipt of legal advice, in executive session, where the legal advice relates to a pending, threatened, or potential claim related to Appeal 2024-02 or other matters covered by the attorney-client privilege. S.C. §30-4-70 (a)(2) Upon returning to Open Session, action may be taken by the Board on items discussed during Executive Session.

Chair Ned Kuntz made a motion to adjourn for executive session with Bill Davies seconding. All members in favor to adjourn to executive session. The Board entered Executive Session at 5:02 pm.

At 5:40 pm Bill Davies made a motion to exit executive session and return to open session. Beverly Sandifer seconded this motion, which was approved unanimously. Chair Ned Kuntz stated that legal advice was given during executive session but no action was taken during executive session.

Appeal No. 2024--02

Applicants: Harold Dukes, property owner

Appeal No. 2024-02—By a representative of a property in the Beach management overlay zoning district, 610 Palmetto Blvd., for a variance from Sect. 86-145(f) set back lines for the seaward most portion or decks and steps of beach front structures.

Chair Ned Kuntz read the four criteria necessary to grant a variance. Chair Kuntz asked if any additional testimony was desired to be given by the applicant. Harold Dukes, Sr, said he would like to be sworn in. Chair Ned Kuntz asked all parties who may speak during this portion of the hearing to raise their right hands and take the oath. The oath was administered.

Additional testimony was given by Harold Dukes Sr and Patrick Brown, Building Code Administrator regarding variance request.

Chair Kuntz recommended that a "yes vote", the criteria was met or "no vote", the criteria was not met when voting on each of the 4 criteria.

Chair Kuntz called for a vote on criteria 1: **Zero (0) YES votes and Five (5)) NO vote-Bill Davies, Pat Kostell, Ned Kuntz, Beverly Sandifer and Stephanie Renner**

Chair Kuntz called for a vote on criteria 2: **Zero (0) YES votes and Five (5)) NO vote-Bill Davies, Pat Kostell, Ned Kuntz, Beverly Sandifer and Stephanie Renner.**

Chair Kuntz called for a vote on criteria 3: **Zero (0) YES votes and Five (5)) NO vote-Bill Davies, Pat Kostell, Ned Kuntz, Beverly Sandifer and Stephanie Renner**

Chair Kuntz called for a vote on criteria 4: **Zero (0) YES votes and Five (5)) NO vote-Bill Davies, Pat Kostell, Ned Kuntz, Beverly Sandifer and Stephanie Renner.**

Chair Ned Kuntz made a motion to deny variance with Pat Kostell seconding. With there being no discussion, a vote was called which was **denied unanimously against the variance.**

Adjournment

There being no more business before the ZBA, Bill Davies made a motion to adjourn. Beverly Sandifer 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 Tammy Lake

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

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