

**TOWN OF EDISTO BEACH
ZONING BOARD OF APPEALS**

Monday, April 21, 2014
5:00 P.M.
Regularly Scheduled Meeting

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

Members attending: Chairman John McAlhany, Vice Chairperson Cathy Price, Members Joe Dreher, Charlie Boozer, Ida Tipton, Polly McIntosh and William Davies

Staff attending: Building Code Administrator Patrick Brown, Nancy Fitzgerald, Code Enforcement Officer and Sara Simpson, Secretary

Chairman McAlhany called the meeting to order at 5:00 p.m.

Approval of Minutes:

Chairman McAlhany asked the Board if there was any discussion pertaining to the minutes of February 24, 2014. One correction was made to the minutes prior to the meeting and there being no further additions or corrections to the minutes, Member Davies made a motion to approve the February 24, 2014 minutes as amended. Member Tipton provided the second and the **vote was unanimous to approve the minutes as amended.**

Old Business:

There was no old business to discuss.

New Business:

404 Magnolia Walk – Nelson E. Hartrich – Setback Variance

As Chairman McAlhany began, Member Tipton disclosed that she is an employee of the MPOA of Ocean Ridge, she does receive a paycheck for that employment and asked if she should recuse herself. Member Davies stated that it did not appear that she was an employee of the individuals that were making the request and Building Code Administrator Brown added that Member Tipton would not directly benefit from any decisions made in the meeting. He continued that if Member Tipton felt more comfortable recusing herself, then it was her decision. Member Tipton then recused herself from the new business before the Board. Mrs. Molly Hartrich, the property owner with her husband, Nelson was present to testify. The oath was given and Mrs. Hartrich began with her testimony. She explained that they would like to have a place to sit outside and enjoy the sunshine and also for entertaining. Due to the irregular shape of their lot, it would be difficult to fit

a deck within the setbacks and the deck still be of usable size. Currently, the Hartrich's propose an 8' x 16' deck addition to the existing home. A discussion followed regarding the irregular shapes of the lot and the existing home. Building Code Administrator Brown then testified that the golf course was owned by Edisto Golf, LLC and notice of the meeting was hand delivered to Leland Vaughan and he voiced no objections to the application. He continued that there were certain standards that must be adhered to when granting a variance such as a hardship, extraordinary conditions and does it affect the other properties in the same manner as this lot. He said the building code must be taken into consideration as it requires fire resistant materials to be used when building within a certain distance from the property line. The closer something is built to the property line, the more restrictive the building code becomes. The Building Department would not issue a building permit on an open deck closer than three (3) feet to the property line. Chairman McAlhany then read Town Code 86-91 (a)(2)(a-d). Following another discussion, Mrs. Hartrich was asked by the Board to present a revised deck plan that was less restrictive in the current building codes and the Board would have a rehearing for a change of conditions. Vice Chairperson Price moved to rehear this application, on a future date, once the Building Department receives a plan it would grant a permit on. A second was provided by Member Davies, a vote was taken and it was **unanimous to approve.**

There being no further business to discuss Member Davies moved to adjourn followed by a second from Vice Chairperson Price. A vote was taken to adjourn the meeting at 5:25 p.m. and the **vote was unanimous to adjourn.**

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

APPROVED BY THE ZONING BOARD OF APPEALS

Submitted by Sara Simpson
Secretary of the Zoning Board of Appeals

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