

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

Monday, April 15, 2013
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, Polly McIntosh, Charlie Boozer, Ida Tipton and Jeanine Rhodes

Staff attending: Patrick Brown, Building Code Administrator, 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 March 4, 2013. There were no additions or corrections to the minutes. Member Price made a motion to approve the January 28, 2013 minutes, followed by a second from Member Dreher. The **vote was unanimous to approve the minutes.**

Old Business:

There was no old business to discuss.

New Business:

3767B Docksite Road – Thomas A. Edens, III – Impervious Surface Variance

Chairman McAlhany advised that Mr. Edens has requested an impervious surface variance from *notwithstanding any other provisions of this chapter, no more than 30 percent of the ground of each half of lots divided pursuant to this section may be covered with impervious surfaces*, as stated in Sec. 86-191(b)(3). Chairman McAlhany stated that normally the Applicant testifies first but felt that it would be beneficial to hear from Building Code Administrator Brown initially so that he could better explain the purpose of this Appeal. Building Code Administrator Brown began by stating that this is a duplex located on one (1) lot and it does have a fair amount of concrete outside the footprint of the duplex. It is a dock lot which is not as big as some of our other lots on the beach. The structure itself comprises about thirty (30) percent of the lot when the lot is divided. Building Code Administrator Brown

continued that Mr. Edens' request is to divide this duplex and lot so that it can be deeded fee simple. This would only require a party wall agreement between the owners. Chairman McAlhany asked why this would not be grandfathered and Building Code Administrator Brown stated that some of our ordinances allow for legally non-conforming land uses to be grandfathered. This ordinance does not allow the option to grandfather when it begins with "*Notwithstanding any other provisions of this chapter.....*" There is no option to grant relief from this ordinance other than requesting a variance.

Chairman McAlhany then called upon the Applicant. Mr. Edens stated that he would like to add the property line dividing the duplex so that he may sell it fee simple. Banks and lending institutions are not loaning money on condominiums, townhouses and duplexes. No changes will be made other than the introduction of this property line and there will be no visual changes. Mr. Edens continued that his lot is less than a tenth of an acre, the house itself encompasses 1,574 sq. ft. and has been there since 1994. If all the concrete was taken up, there would still be about a forty (40) percent impervious surface. Mr. Edens is asking to leave well enough alone and the lot "as is," other than the introduction of the property line. Member Tipton asked if it would still be a duplex and Building Code Administrator Brown answered that it would become two (2) single family residences and that would be the only change.

Member Boozer made a motion to grant the variance followed by a second from Member Rhodes. A vote was taken and it was **6-1, with Member Tipton opposed.**

There being no further business to discuss Member Rhodes moved to adjourn followed by a second provided by Member Price. A vote was taken to adjourn the meeting at 5:22 p.m. and the **vote was unanimous.**

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