

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
BOARD OF ZONING APPEALS
JUNE 24, 2019
MINUTES

[Staff Report](#)

Present: Joseph Belton, Chair, Barry Wolff, Stephen Wood, Glyn Cowden.
Absent: David Rubin, Megan Stevens, Stephen Duke.
Staff: Michael, Julia, Lynnette

Mr. Belton called the meeting to order at 6:00 pm.

- A. Approval of Agenda**
- B. Approval of [Minutes](#)**

 *Mr. Wolff moved for approval of the agenda and minutes. Mr. Wood seconded the motion. All in favor.*

C. Public Comment

There being no comments, Mr. Belton continued with the agenda.

D. General Correspondence

No correspondence.

E. Administration of Oath

 Mr. Belton administered the oath to those speaking.

F. Business

- 1. [Request for Rehearing](#), Case V-6-19, 422 Shannon Drive, TMS# 517-03-00-046**

Mr. Belton recused himself due to a conflict of interest.

 Mr. Wolff stated that the tree in question has already been removed and asked if this was indeed the case. The applicant was not present to respond.

 *Mr. Wolff moved for denial of the rehearing. Mr. Cowden seconded the motion. All in favor with Mr. Belton abstaining.*

2. [Case V-6-19](#), 422 Shannon Drive, TMS# 517-03-00-046, Appeal from the strict application of §156.224 to allow encroachment or removal of protected tree to allow construction of single-family residence.

Rehearing was denied.

3. [Case S-5-19](#), 2035 Hwy 41, TMS# 540-00-00-229, Request for a Special Exception in accordance with River Towne, Planned Development Ordinance, Conditional Use, Automobile Service Station and in accordance with the provisions of 156.411 (A)(3)(a-d).
[CORRESPONDENCE](#)

This item was withdrawn by staff as the Zoning Administrator has determined that the Rivertowne Planned Development Ordinance established the Planning Commission as the proper governing body to review this item.

4. [Case S-6-19](#), 1491 Simmons Street, TMS# 532-09-00-109, Request for a Special Exception in accordance with the standards of §156.325 Principle Use Table, §156.326 (C)(5)(e)(1-6), and §156.411 (A)(3) to allow a Bed and Breakfast.

 Mr. Robertson reviewed staff comments with the Board (attachment 1).

Ms. Nancy Baker, homeowner, reviewed the request with the Board. She distributed photos of the property for the Board. She stated that her neighbors have indicated that they are in favor of the request.

There being no comments, Mr. Belton closed public comment.

Mr. Wolff stated that the parking should be in the rear and asked if the application meets this requirement.

 *Mr. Wolff moved for approval. Mr. Cowden seconded the motion. All in favor.*

5. **[Case V-23-19](#), 754 Pitt Street, TMS# 532-09-00-245, Appeal for relief from the strict application of §156.313 (E)(3)(c) to allow maximum building area to exceed 5,500 square feet regardless of lot size.**

 Mr. Robertson reviewed staff comments with the Board (attachment 1).

Mr. John Massalon and Mr. Bill Huey reviewed the request with the Board. He distributed letters from neighbors in support of the request.

Mr. Robert Flowers reviewed the reason for needing the additions to the home and inclusion of a pool with the Board.

There being no comments, Mr. Belton closed public comment.

Mr. Wolff asked if this has been before the Old Village Historic District Commission (OVHDC). Mr. Huey answered in the negative and stated that the variance would need to be granted before going before the OVHDC. Mr. Wolff asked if this is out of order. Mr. Robertson answered in the negative.

Mr. Belton asked about the building area ration (BAR) calculations. Mr. Huey answered that the detached garage is approximately 469 square feet. He stated that the BAR includes the porches, piazzas, etc. He stated that the addition would be approximately 1,350 square feet. Mr. Belton asked the reason this is a variance and not an exception under the purview of the OVHDC. Mr. Robertson answered that the Zoning Administrator determined that this would be a variance and not under the purview of the OVHDC. Mr. Huey suggested that 156.313(E)(3)(C) allows deviation for historic structures. He stated that this question was reviewed by staff. Mr. Belton suggested that this is a larger lot than what might be seen in the historic district.

 *Mr. Wood moved for denial based on findings that the request does not meet the criteria for a hardship. Mr. Cowden seconded the motion. All in favor.*

Mr. Massalon asked for clarification on the exception. Mr. Belton suggested that subsection 4 is not under this Board's purview.

6. **[Case V-24-19](#), 3157 Hwy 17N, TMS# 600-00-00-024, Appeal from the strict application of §156.224 to allow encroachment or removal of protected tree to allow construction of campground amenity.**

 Mr. Robertson reviewed staff comments with the Board (attachment 1).

Mr. Steve Thornley reviewed the request with the Board.

There being no comments, Mr. Belton closed public comment.

 *Mr. Cowden moved for denial based on the findings that the tree is a historic live tree and the removal is only for convenience. Mr. Wood seconded the motion. All in favor.*

7. **[Case V-25-19](#), 551 Klein Street, TMS# 532-09-00-254, Appeal from the strict application of §156.303 in order to allow a 9 foot, 5-inch rear yard encroachment in order to re-establish Lot 2B. (ordinance section corrected 6.12.19)**

 Mr. Robertson reviewed staff comments with the Board (attachment 1).

Mr. Anthony Tuk reviewed the request with the Board.

Mr. Wolff asked if the pool still exists. Mr. Tuk answered in the negative.

Mr. Wood asked if the property line was moved, could the lot be subdivided. Mr. Tuk answered in the negative.

There being no comments, Mr. Belton closed public comment.

Mr. Wolff suggested that there is a hardship.

 *Mr. Wolff moved for approval of the variance. Mr. Cowden seconded the motion. All in favor.*

- 8. Short Presentation to explain the minimum procedural requirements of the *South Carolina Freedom of Information Act (FOI)*, specifically Section 30-4-70 (b), pertaining to the required announcement of specific purpose prior to convening an executive session.**

 Mr. Tim Doman, Clawson and Staubes, distributed a copy of the vacated order from the Adkins appeal for the Board. He stated that Ms. Adkins agreed to drop her additional case and legal fees if there was a brief presentation on FOI requirements and the criteria required for entering into executive session.

G. Approval of Final Orders

The Board signed final orders.

There being no further business, the meeting adjourned at 7:07 pm.

Submitted by,
L. Lynes
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