PAWLEYS ISLAND BOARD OF ZONING APPEALS
Town of Pawleys Island Town Hall, 321 Myrtle Avenue
(843) 237-1698

TO: Zoning Board of Appeals Members and Other Interested Persons

FROM: LaShawna Armstrong, *Acting Secretary*

DATE: July 5th, 2022

SUBJECT: Monthly Meeting

****

The Pawleys Island Zoning Board of Appeals will hold its regularly scheduled meeting on **Wednesday, July 13th, 2022 at 3:30 p.m. This meeting will be held at the Town of Pawleys Island Town Hall located at 321 Myrtle Avenue.**

Please find the agenda and applicable materials.

/lma

AGENDA
PAWLEYS ISLAND BOARD OF ZONING APPEALS
Town of Pawleys Island Town Hall, 321 Myrtle Avenue
Wednesday. June 8th, 2022
3:30p.m.

* *

I. Determination of a Quorum – Agenda

II. New Business

A request from Evelyn Welborn Lineberger for a variance to Article 3-2.2: Low Density Residential District (R-1), Section (E): Minimum Required Yards. This request involves the new construction of a single family dwelling. The residential lot is currently vacant. The property is located at 607 Myrtle Avenue in Pawleys Island. Tax Map Number 42-0174-048-00-00. VAR2022-00022.

III. Minutes

IV. Adjournment

TOWN OF PAWLEYS ISLAND ZONING BOARD OF APPEALS

DATE: July 13, 2022

AGENDA ITEM: A request from Evelyn Welborn Lineberger for a variance to Article 3-2.2: Low Density Residential District (R-1), Section E: Minimum Required Yards. This request involves the new construction of a single family dwelling. The residential lot is currently vacant. The property is located at 607 Myrtle Avenue in Pawleys Island. Tax Map Number 42-0174-048-00-00. VAR2022-00022.

DEPARTMENT: Zoning Department

ISSUE UNDER CONSIDERATION: The applicant is requesting a variance to the front setback requirement and the salt water critical line setback in order to construct a single family dwelling.

CURRENT STATUS: Vacant Residential Lot

POINTS TO CONSIDER:

1. The lot is located at 607 Myrtle Avenue in Pawleys Island.

2. County records indicate the parcel was purchased by the current owners in 2016.

3. The lot was previously occupied by a single family dwelling, which was demolished prior to 2010, per the county GIS aerial photos.

4. The property is zoned R-1 (Low Density Residential), which requires a 20' front setback and a 10' setback from the salt marsh critical line established by OCRM.

5. The plat submitted by the applicant identifies the location of the previous home on the lot, and the previous location of the salt marsh critical line.

6. An unconstructed area for an extension of Scarborough Avenue abuts the parcel to the rear. This area is marsh, and it is unlikely the road will ever be constructed. There is currently a walkway constructed over this area providing creek access for the property owners of this lot.

7. A letter dated 8/9/2016 from the Town Administrator identifies this lot as an existing lot of record, and classifies it as buildable. The letter further explains the rear setback requirement related to the unconstructed area for the extension of Scarborough Avenue. The plat submitted with the letter from the Town Administrator identifies the setback requirements for this lot as:

   Front – 20'
   Sides – 9.7'
   Rear – 0' – abutting unconstructed Scarborough Avenue

8. The applicant is requesting a 10' variance to the 20' front setback requirement, which will make the front setback requirement 10'. The applicant is also requesting a 10' variance to the salt marsh critical line setback, which will make the setback from the critical line 0'.

9. The applicant plans to build a single family dwelling. The setback requirements restrict the buildable area of the lot by approximately 50%, per the applicant. The size of the proposed home is undetermined at this time. The proposed home will be required to meet all other town and building code requirements, including the ARB and flood requirements. The variance request relates to the front setback and salt marsh critical line setback only.

10. ***There are extraordinary and exceptional conditions pertaining to the particular piece of property.*** The lot is oddly shaped, with the southern side property line being approximately 34' shorter than the northern side property line. The salt marsh critical line was previously located in the area designated for the expansion of Scarborough Avenue. The existing salt marsh critical line is now located further landward on this parcel, and restricts the buildable area of the lot on the rear and both sides of the property.

11. ***The conditions of this parcel do not generally apply to the surrounding parcels.*** The other buildable parcels in the area appear to be of a more normal shape, and contain more buildable area. The surrounding lots do not appear to be as greatly affected by the salt marsh critical line. Most of the occupied lots appear to have installed retaining walls to protect their properties from erosion and the encroachment of the salt marsh.

12. ***The application of this ordinance would effectively prohibit or unreasonably restrict the use of this parcel.*** Enforcing the 20' front setback and the 10' setback from the salt marsh critical line restricts the buildable area of this lot by approximately 50% or more. The proposed dwelling will not encroach into the salt marsh critical line.

13. ***The authorization of this variance request would not be a substantial detriment to the adjacent property owners or the public good.*** The applicant is requesting a minimal variance to the front setback requirement. The variance request to make the setback from the salt marsh critical line 0' is substantial, however the proposed home will not encroach into the critical area. The rear corners of the proposed dwelling are the only areas that will be constructed to the critical line. The adjoining lots are vacant and do not appear to contain any buildable area. County records provided no evidence that the neighboring properties have been occupied by any structures, other than walkways providing access to the creek

in recent years. The lot was previously occupied by a single family dwelling and documents submitted by the applicant prove that the lot has been deemed buildable by the Town of Pawleys Island.

14. The board has the authority to establish conditions to the variance request. If the proposed dwelling being constructed to the salt marsh critical line is of concern, the proposed home could be constructed at the ground level to meet the 10' setback from the salt marsh critical line, but allow the elevated square footage to cantilever over the setback area to the salt marsh critical line. This would prevent the encroachment of the critical area on the ground, but still allow more buildable area for the proposed home.

FINANCIAL IMPACT: **N/A**

VARIANCE OPTIONS:

1. Grant the variance as requested.
2. Grant an amended variance.
3. Defer for further information.
4. Deny the variance request.

ATTACHMENTS:

1. Application and Attachments
2. GIS Location Map
3. GIS Area Zoning Map
4. GIS Aerial Map
5. Exhibits from the Applicant
6. Adjacent Property Owners Notice

Kristal Infinger
Zoning Administrator

Holly Richardson
Director of Planning and Code Enforcement

Public Notification Information:
Date Advertised: 6-30-22(Coastal Observer)
Date Property Posted By: 6-21-22/KInfinger
Date of Notification: 6-22-22 **Number Notified: 2**

RECEIVED
JUN 07 2022
BY:

VAR 2022-0022

APPLICATION FOR VARIANCE

ZONING BOARD OF APPEALS
TOWN OF PAWLEYS ISLAND, SOUTH CAROLINA

pd $550.00 w/ck#1432

Owner or Authorized Applicant: LINEBERGER, EVELYN WELBORN

Mailing Address: 197 Trout Pond Ln.

City Baker sville **State** NC **Zip** 28705 **Telephone:()** 843-450-9897

Address of Property for which Variance is Requested: 607 Myrtle Avenue, Pawleys Island, SC 29585

TMS# 42-0174-048-00-00 **Zoning District** Vacant Resort Lot (N400) **Application Date:**

Owner of Property: LINEBERGER EVELYN WELBORN

VARIANCE REQUEST. ***Describe the variance requested (include the specific zoning code section):***
Current setbacks requirements will reduce buildable area of a new construction to approximately 16' width x 23' depth on lot. We ask for setbacks to be amended on this lot to allow for 0 feet of setback from OCRM lines on both sides and marsh edge, and for 20' town setback on road side to be amended to 10'.
(Article VIII Item 807/808/809 (Wetland setbacks) Article VI Item 607.2, Article V Item 503

The Board may grant a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the Ordinance would result in unnecessary hardship, provided the hardship is not self-created or based on greater profit.

The findings required by the Board for variance are identified in Sec. 3-7.5(B) of the Zoning Ordinance. Response to each of the following will assist the Board in making a determination.

1. *Describe the **extraordinary and exceptional** conditions pertaining to the particular piece of property. (use additional paper if necessary)*

Due to DHEC OCRM line that was marked in May 2022 the property has decreased buildable area approximately 50%. There were no previous OCRM lines on the either side of property, now there are substantial encroaching lines of sea grass on three sides.

2. *Are the previously described conditions unique to the property for which the variance is sought, or do these same conditions apply to other properties in the vicinity?*

This is unique as this property now has 3 OCRM lines not just one typically seen with other creek/ocean lots.

3. *Describe why the zoning regulation proposed for variance would prohibit or unreasonably restrict utilization of the property because of the previously described conditions.*

Due to the new OCRM lines, the lot is not buildable in our opinion. The maximum width of a home within these lines would be 16 ft approximately according to survey. This lot previously had a home that has now been demolished so at some point was buildable.

4. *Describe how authorization of the variance will be in harmony with the intent of zoning ordinance and will not be injurious to adjacent properties, the neighborhood, or the general public.*

This lot does not have neighbors on either side and therefore would not impact those living in close proximity. The road setback request is not unique to this area as houses near this lot sit well within the 20 ft restriction.

5. *Describe how the variance sought is the **minimum** variance necessary for reasonable development of the site*

This request would allow for a 30 ft X 50 ft footprint of a home, which is still far smaller than previously home or previously surveyed. Without this variance, this would not be possible and it would be very difficult to fit a home of any normal square footage.

6. *Describe why the granting of the requested variance will not confer on the applicant any special privilege that is denied by the zoning regulations to other landowners in the same zoning district.*

This variance approval would allow for a minimum square footage home; sitting on the same setback to road as others around it. It is of our opinion that a home developed on this lot would be more widely acceptable to homeowners and the Town of Pawleys Island than an empty and uncared for empty lot. There are other homes currently being constructed with other variances

6-2-22	Evelyn Welborn Lineberger	Evelyn Welborn Lineberger	owner
Date	*Applicant Printed Name*	*Signature of Applicant*	*Title*

Evelyn Welborn Lineberger
Property Location
VAR 2022-00022

Legend

Streets

<all other values>

MaintainedBy

County

Private

State

Evelyn W. Lineberger

Lot Lines

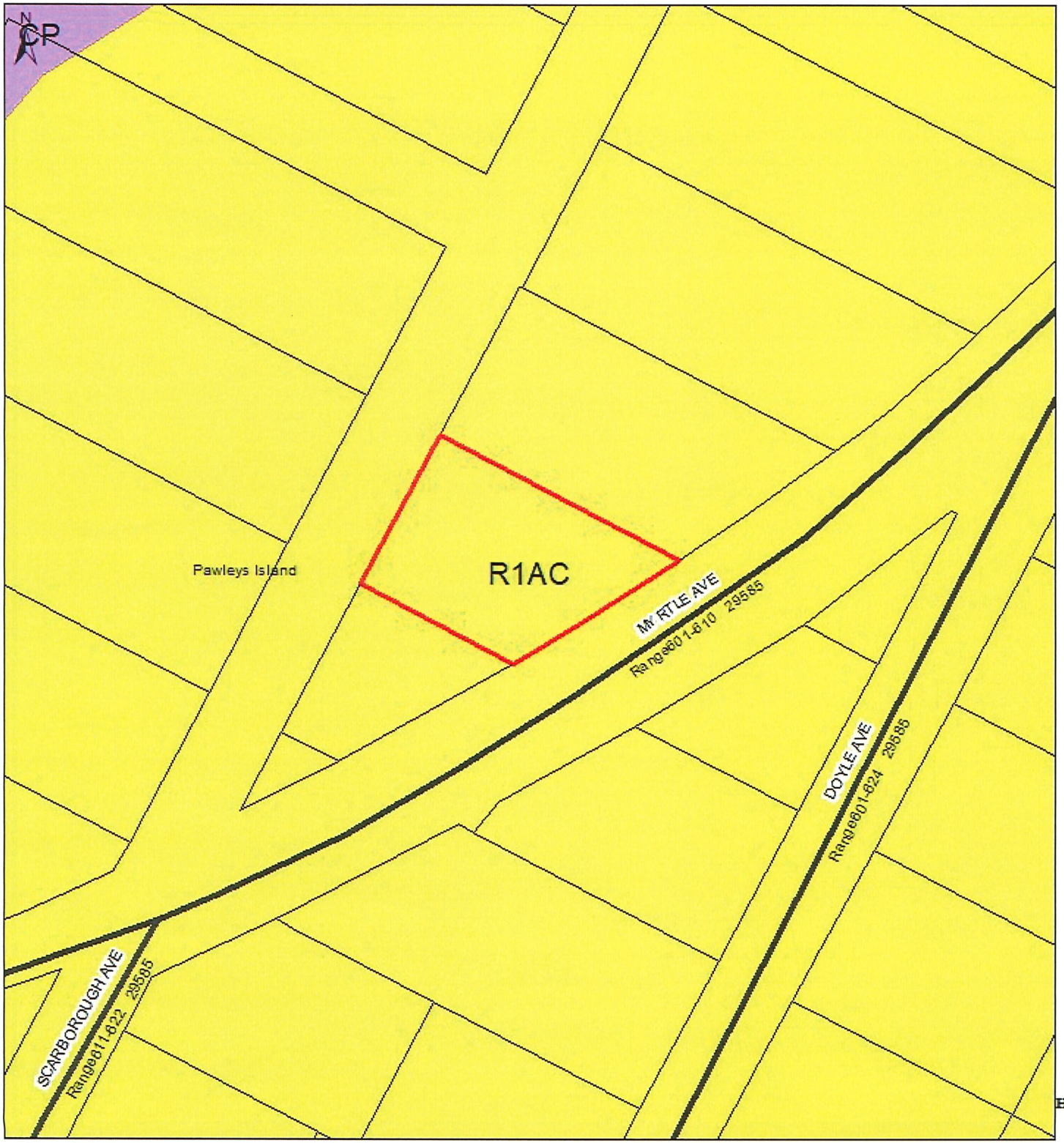
Railroads

Landmarks

Municipalities

0 15 30 60 90 120
Feet

DISCLAIMER: This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Georgetown County disclaims all responsibility and liability for the use of this map.



Evelyn Welborn Lineberger Property Zoning VAR 2022-00022

Legend

Streets

all other values

MaintainedBy

County

Private

State

Evelyn W. Lineberger

Lot Lines

Railroads

Landmarks

Zoning

DISTRICT

CITY OF GEORGETOWN

CP

FA

FAC

FAN

GC

GN

GNN

HI

LI

MHP

MN10

NC

OC

PA

PD

R1

R1/2AC

R10

R1AC

R2

R2/4AC

RS

RS

RC

RG

RR

RS

RVC

VR10

Municipalities

0 15 30 60 90 120

Feet

DISCLAIMER: This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Georgetown County disclaims all responsibility and liability for the use of this map.

Evelyn Welborn Lineberger
Property Aerial
VAR 2022-00022

Legend

Streets

<all other values>

MaintainedBy

County

Private

State

Evelyn W. Lineberger

Lot Lines

Railroads

Landmarks

Imagery2017Med

RGB

Red: Band_1

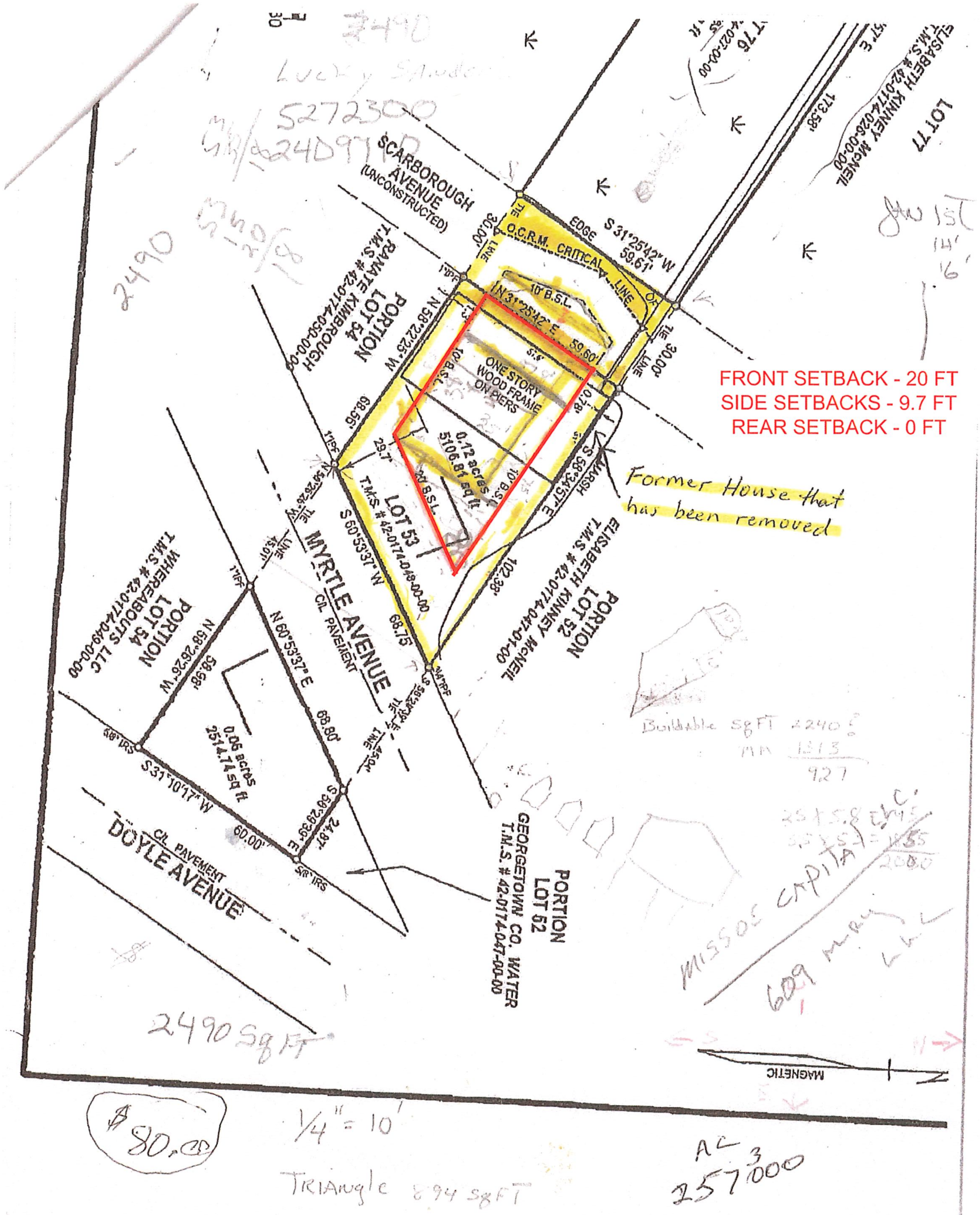
Green: Band_2

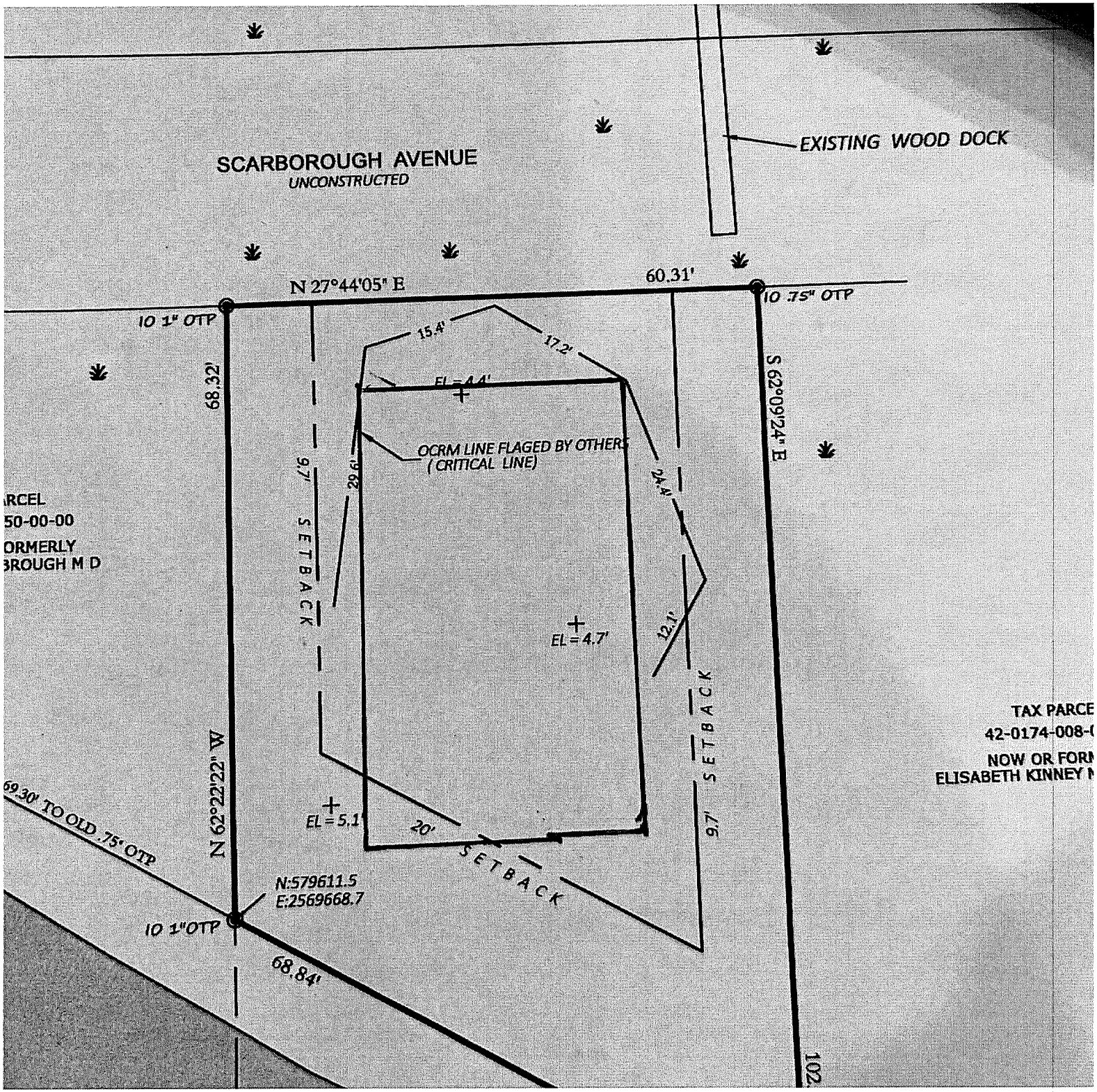
Blue: Band_3

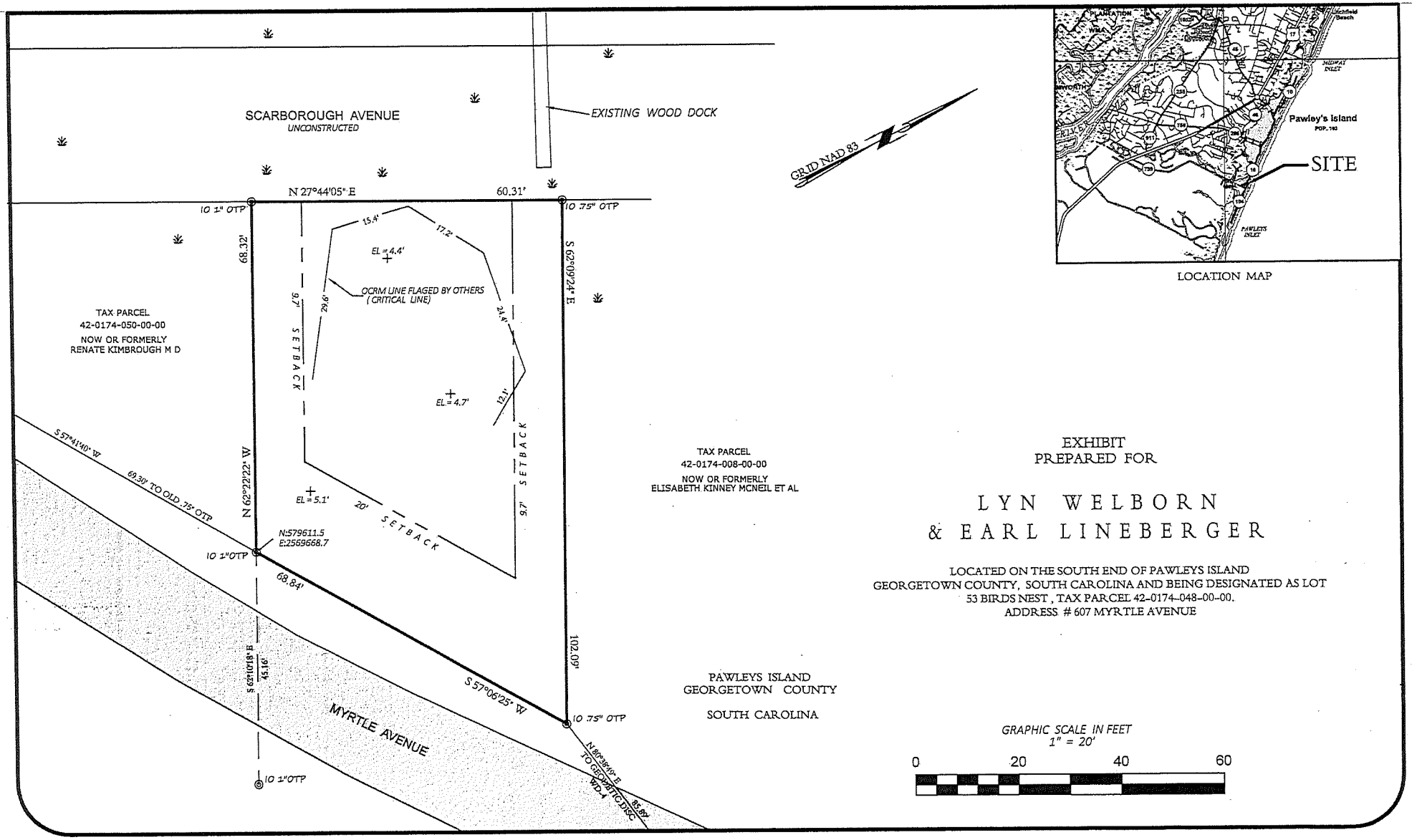
Municipalities

0 15 30 60 90 120
Feet

DISCLAIMER: This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Georgetown County disclaims all responsibility and liability for the use of this map.


FRONT SETBACK - 20 FT
SIDE SETBACKS - 9.7 FT
REAR SETBACK - 0 FT
Former House that has been removed
SCARBOROUGH AVENUE (UNCONSTRUCTED)
O.C.R.M. CRITICAL LINE
S 31°25'42" W 59.61'
N 31°25'42" E 59.60'
10' B.S.L.
ONE STORY WOOD FRAME ON PIERS
0.12 acres 5106.81 sq ft
LOT 53
T.M.S. # 42-0174-048-00-00
S 60°53'37" W
N 58°22'23" W
S 58°34'57" E
102.38'
68.56'
68.75
PORTION LOT 54
RAMATE KIMBROUGH
T.M.S. # 42-0174-050-00-00
PORTION LOT 52
ELISABETH KINNEY MCNEIL
T.M.S. # 42-0174-047-01-00
MYRTLE AVENUE
C/L PAVEMENT
PORTION LOT 54
WHEREABOUTS LLC
T.M.S. # 42-0174-049-00-00
0.06 acres 2514.74 sq ft
N 60°53'37" E 68.80'
S 31°10'17" W 60.00'
N 58°26'26" W 58.56'
DOYLE AVENUE
C/L PAVEMENT
PORTION LOT 52
GEORGETOWN CO. WATER
T.M.S. # 42-0174-047-00-00
LOT 77
ELISABETH KINNEY MCNEIL
T.M.S. # 42-0174-026-00-00
MAGNETIC
2490 Sq Ft
$80.00
1/4" = 10'
TRIAngle 894 Sq FT
AC 257000
Buildable SqFT 2240
5272300


SCARBOROUGH AVENUE
UNCONSTRUCTED
EXISTING WOOD DOCK
N 27°44'05" E
60.31'
10 .75" OTP
10 1" OTP
68.32'
15.4'
17.2'
EL = 4.4'
OCRM LINE FLAGED BY OTHERS
(CRITICAL LINE)
29.2'
9.7' SETBACK
24.4'
S 62°09'24" E
EL = 4.7'
12.1'
9.7' SETBACK
RCEL
50-00-00
ORMERLY
BROUGH M D
TAX PARCE
42-0174-008-(
NOW OR FORM
ELISABETH KINNEY M
69.30' TO OLD .75' OTP
N 62°22'22" W
EL = 5.1'
20'
SETBACK
N:579611.5
E:2569668.7
10 1"OTP
68.84'
102.


SCARBOROUGH AVENUE
UNCONSTRUCTED
EXISTING WOOD DOCK
GRID NAD 83
N 27°44'05" E
60.31'
10 1" OTP
10 .75" OTP
68.32'
S 62°09'24" E
15.4'
17.2'
EL = 4.4'
OCRM LINE FLAGED BY OTHERS
(CRITICAL LINE)
29.6'
24.8'
9.7' SETBACK
TAX PARCEL
42-0174-050-00-00
NOW OR FORMERLY
RENATE KIMBROUGH M D
EL = 4.7'
12.1'
S 57°41'40" W
69.30' TO OLD .75" OTP
N 62°22'22" W
EL = 5.1'
20' SETBACK
9.7' SETBACK
N:579611.5
E:2569668.7
10 1"OTP
68.84'
102.09'
S 57°06'25" W
S 62°10'18" E
45.16'
MYRTLE AVENUE
10 .75" OTP
N 86°28'49" E
TO GEODETIC DISC
WD-1
85.89'
10 1"OTP
TAX PARCEL
42-0174-008-00-00
NOW OR FORMERLY
ELISABETH KINNEY MCNEIL ET AL
PAWLEYS ISLAND
GEORGETOWN COUNTY
SOUTH CAROLINA
Pawley's Island
SITE
LOCATION MAP
EXHIBIT
PREPARED FOR
LYN WELBORN
& EARL LINEBERGER
LOCATED ON THE SOUTH END OF PAWLEYS ISLAND
GEORGETOWN COUNTY, SOUTH CAROLINA AND BEING DESIGNATED AS LOT
53 BIRDS NEST , TAX PARCEL 42-0174-048-00-00.
ADDRESS # 607 MYRTLE AVENUE
GRAPHIC SCALE IN FEET
1" = 20'
0
20
40
60

Robert J. Moran, PA
Attorney-at-Law
Post Office Box 370
Murrells Inlet, South Carolina 29576
Robert J. Moran, Jr. Esquire
Telephone: (843) 237-4533 E-Mail: Mullettlaw@sc.rr.com Facsimile: (843) 237-3163

August 9, 2016

Ryan Fabbri
Administrator
Town of Pawleys Island
Via Email asstadmin@townofpawleysisland.com

Re: 607 Myrtle Ave
Lot 53, Bird's Nest
42-0174-048-00-00

Dear Ryan:

I represent Lyn Welborn and Earl Lineberger in connection with their purchase of the above parcel, together with the two additional parcels (Lots 76 & 84) extending into the marsh. It is my understanding that Lyn and Earl have discussed their construction options with you and, with your permission, I would like to confirm the substance of the conversation.

First, this is a "lot of record" and, as such, buildable.

Second, there is no minimum dwelling size limitation in the Town's rules or ordinances; and

Finally, the Town would interpose no objection to the clients using, at least, the line demarking the division between Lot 53 and Scarborough Ave as their rear yard setback.

I will be pleased if you can take a few moments to confirm or deny these three issues. Thanks for your cooperation.

Sincerely,

Robert J. Moran, Jr.

RJM:kp

cc: Joanne Ochal, Georgetown County
Lyn Welborn and Earl Lineberger
Roger Wyndham

Town of Pawleys Island
SOUTH CAROLINA

August 9, 2016

Robert J. Moran, Jr. Esquire
70-D DaGullah Way
Pawleys Island, SC 29585

Re: 607 Myrtle Avenue
Lot 53 A, Bird's Nest
TMS# 42-0174-048-00-00

Dear Bob:

I did have the pleasure of meeting with the Linebergers to discuss their construction options on the above-mentioned property. In response to your letter, I can confirm the following:

1. The Town considers the above parcel a "lot of record" and, it is buildable.

2. The Town's development code does not include a limitation on the minimum size of a single-family dwelling.

3. Section 20-1(c) of the Town's development code recognizes the existence of certain platted unopened streets that may cause a greater setback for construction purposes than is necessary to protect adjacent property owners, and it is the intent to allow said streets to be used for construction rear setback purposes. Your clients will be allowed to use the line demarking the division between TMS# 42-0174-048-00-00 and Scarborough Avenue as their rear setback. Please note this line also represents the property boundary so all setback exceptions allowed in the Town's development code would not apply to this rear setback.

I hope you find this an acceptable response to your concerns, but if not, please don't hesitate to contact me.

Best regards,

Ryan Fabbri
Town Administrator

cc: Joanne Ochal, Georgetown County

NOTICE TO PROPERTY OWNERS OF APPEAL

TOWN OF PAWLEYS ISLAND
ZONING BOARD OF APPEALS

TO THE PROPERTY OWNER:

The Zoning Board of Appeals in acting upon variations or modifications of the Zoning Ordinance or appeals from action taken by the Zoning Administrator or Development Coordinator, hears all such cases at public hearings at which neighboring property owners and other interested persons have a right to be heard.

If the appeal, as stated below is thought by you to be objectionable, you will have an opportunity to fully express your objection.

If it is inconvenient to appear at the hearing, file your objection by letter to the address below:

Georgetown County Zoning Board of Appeals
129 Screven Street
Georgetown, SC 29440

Or e-mail at: larmstrong@gtcounty.org

This letter notifies you that the matter stated below will be heard at a public hearing by the Zoning Board of Appeals. The hearing will be held in the **Town of Pawleys Island Town Hall** at **321 Myrtle Avenue** in **Pawleys Island.**

TIME & DATE OF HEARING:	**July 13th, 2022 @ 3:30p.m.**
CASE NUMBER:	**VAR # 2022-00022**
APPELLANT:	**Evelyn Welborn Lineberger**
PROPERTY AFFECTED:	**Tax Map ID: 42-0174-048-00-00** **607 Myrtle Avenue** **Pawleys Island, SC 29585**
SUBJECT:	**A request seeking a variance to Article 3-2.2: Low Density Residential District (R-1), Section (E): Minimum Required Yards. This request involves the new construction of a single family dwelling. The residential lot is currently vacant.**

TOWN OF PAWLEYS ISLAND
ZONING BOARD OF APPEALS MINUTES

Town Hall – Conference Room | 323 Myrtle Ave | Pawleys Island SC 29585
6/8/2022 – 3:30 PM

PRESENT: Harold Wyatt, Heide Johnson, Matt Ellis, Peter Fawcett, Byron York

ABSENT: None

STAFF PRESENT: Daniel O'Hara (Town Clerk), Woody Durant (Attorney), Kristal Infinger (Georgetown County Zoning Administrator), Steven Elliot (Georgetown County Building Official) and LaShawna Armstrong (Acting Secretary).

I. DETERMINATION OF A QUORUM – AGENDA

Temporary Chairman Harold Wyatt called the meeting to order at 3:30.

II. ELECTION OF OFFICERS

A. CHAIRMAN

- Harold Wyatt asked for motion to appoint a new chairman, **Matt Ellis motioned to appoint Harold Wyatt as Chairman, Heide Johnson Seconded, all voted in favor.**

B. VICE-CHAIRMAN

- Harold Wyatt asked for a motion appoint a Vice-Chairman, **Matt Ellis motioned to appoint Heide Johnson as Vice-Chairman, all voted in favor.**

III. APPROVAL OF MINUTES

A. 12-03-21 MINUTES

- Harold Wyatt asked if there were any additions or corrections to be made to the previous meeting minutes. **Chairman Wyatt approved the minutes.**

IV. NEW BUSINESS

A. A request from Thomas Baez for a variance to Article 5-4: Provisions for flood hazard reduction, Section 5-4.1 (I): General Standards. This request located at 614 Doyle Avenue in Pawleys Island. Tax Map Number 42-0174-101-00-00. VAR-3-22-30287

• Chairman Wyatt asked Kristal Infinger to present the request to the board. Kristal Infinger stated that the applicant is asking a variance in the allowed base flood elevation for a newly constructed home in an AE flood zone. Kristal continued to say that the South Carolina Residential Code requires the lowest horizontal structural member to constructed one (1) foot above the base flood elevation. FEMA requires the finished floor elevation to meet or exceed the base flood elevation. **The newly constructed home exceeds the Residential Code and FEMA elevation requirements.** The Town of Pawleys Island ordinance requires the construction in an AE flood zone to conform to the requirements of construction in a VE flood zone. The ordinance also states that all new construction and substantial improvement shall be elevated so that the bottom of the lowest supporting horizontal member, excluding pylons and columns and located no lower than

the lower than the design flood elevation level. Kristal Infinger stated that Section 5-4.1 (M) (*All new construction and substantial improvements shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the design flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work, wooden slats installed with at least 40 percent open area, decorative screening or breakaway walls may be permitted but they must be designed to wash away in the event of abnormal action and in accordance with section 5-4.1(S): 1.Substantial improvement to existing structures located in the AE flood zones and in which the lowest floor is at or above the design flood elevation level, shall not be required to comply with the lowest supporting member elevation cited above.* Contradicts Section 5-4.1 (I) (*New construction or substantial improvement of any residential building shall have the lowest floor elevated to or above the design flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of section 5-4.1(K);*) The contradiction is 5-4.1(I) refers to the lowest floor elevated while 5-4.1(M) refers to the lowest supporting horizontal member. **The newly constructed home does not currently meet the requirements of Section 5-4.1(M).** The Town requires the lowest horizontal structural member to be constructed three (3) feet above the base flood elevation. The newly constructed home has an elevation of 16.6 feet, the Town requires a minimum of 17 feet. Three elevation certificates are required for the construction. One to start construction, one during construction and then one at the end before occupancy can be established. The preconstruction and during construction both qualify FEMA and Town requirements. But the final elevation certificate showed that the elevation was lower than the Town's requirements. The surrounding houses are all in compliance with the Town's requirements and the newly constructed house would have to be renovated to meet compliance. **Creating a variance of flood regulations could affect the CRS rating of the Town of Pawleys Island effecting the reduction of premiums that residents currently receive. Town and County Staff agree that this is a unique situation and agree to issue a temporary CO to allow legal occupancy of the home pending the results of the variance hearing.** Peter Fawcett and Hedie Johnson asked a series of questions for clarification regarding the FEMA regulations. This led to a discussion to distinguish the difference between the construction requirements in an AE and VE flood zone. Steven Elliot gave a technical answer to the questions regarding CRS, FEMA regulations, the process of elevation checks and explanation of how the error occurred. After the questions were answered regarding the FEMA requirements Chairman Wyatt asked if there was a direct conflict between sections 5-4.1(I) and (M). Both ordinances state that for new construction and substantial improvement when they both require different heights for the elevation of the building. Byron York asked whether if a variance was granted what would happen to residents' flood insurance plans. Steven stated that he was unsure of how the various agencies might handle the situation. Mayor Brian Henry,

mention that he spoke with a contact for advice from FEMA. The FEMA representative stated that they were unsure of what would happen. But gave a suggestion to send the packet to FEMA and have them review to determine whether there will be a negative impact. Mayor Henry stated that if a decision was made by FEMA that would have a negative impact on property owners there would be time for the town to prevent it from happening and appeal. Steven proceeded to explain various ways to help increase the CRS rating also that the variance in one house might not have a large affect. He stated that upon research he found that most houses on the island are below the town standard. These we all constructed under different requirements that have been grandfathered into their height and therefore do not affect the score. Steven stated that he doubts that one variance in this case would not affect the CRS score as well. He also discovered that Town Hall did not meet the ordinance. Woody Durant ask if the County would extend the CO depending on the results from the board if there was a differ to wait to hear more information. Steven said yes. Thomas Baez's builder stated that there seems to be some confusion in the ordinances that has created a disconnect between the county and the town. He continued to explain that the Mr. Baez has been extremely patience and that the house is not violating FEMA guidelines. He wanted to note that the Town Hall is not in compliance with the ordinance of the town. Chairman Wyatt then clarified with Steven about the AE and VE and their connection to the ordinances. Steven said the town wanted all homes to conform to the VE requirements which relates to 5-4.1 (M) in which the home does not meet the standard. Steven said that the home is still in compliance with the FEMA regulations. Chairman Wyatt asked if anyone had other questions regarding the topic. **Chairman Wyatt asked for a motion to move into executive session. Matt Ellis started a motion to move into executive session. Peter Fawcett seconded the motion. All approved.**

Chairman Wyatt asked for a motion to step out off executive session. Matt Ellis started a motion to step out of executive session, Peter Fawcett seconded the motion. All approved. Chairman Wyatt asked for a motion to approve or disapprove of the variance to the ordinance. Peter Fawcett motioned to grant the variance as requested. Heide Johnson seconded. Peter Fawcett stated that if the board is to issue a variance to the code, then the town will require a letter from the surveyor expressing that it was not intentional to construct a building under the requirements. Another request to be included is for the town to settle the issue of the verbiage of 5-4.1(I) and (M). Due to it being a contradiction and confusing to the reader. **Chairman Wyatt stated that approval of the motion to allow the variance on the following grounds: The required action needed to fix the elevation of the building would create an unnecessary hardship. If granted the variance would not lead to harm to public good or impair the purpose and intent of zoning regulations for the comprehensive plan provided.** Chairman Wyatt asked for any other discussion. No replies. Chairman called it to a vote to approve the variance in the ordinance. **All voted in favor.**

V. OTHER BUSINESS

A. **Discussion- Future Meeting Dates**
    - Kristal expressed the need to establish reoccurring dates for meetings. She stated that a quarterly meeting would be sufficient to the number of applications and requests the town gets. Wednesdays was established as the meeting day every three (3) months.

VI. **ADJOURNMENT**

A. Chairman Wyatt Adjourned the meeting at 4:36pm

_____ _____

APPROVED **DATE**

_____ _____

ATTEST **DATE**

All new construction and substantial improvements shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the design flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work, wooden slats installed with at least 40 percent open area, decorative screening or breakaway walls may be permitted but they must be designed to wash away in the event of abnormal action and in accordance with section 5-4.1(S):1.Substantial improvement to existing structures located in the AE flood zones and in which the lowest floor is at or above the design flood elevation level, shall not be required to comply with the lowest supporting member elevation cited above.